# Race

## Notes

* 2 versions of impact calc: disady, k tricksy
* Wildersony version
* Need more development of Grassroots, must be able to name more examples
  + College policy last year
  + Ferguson effective
* Need “aff shuts down movements”
* Need AT: “streamlining”
* AT: paternalism
  + Could make a paternalism 1NC
* Stop and frisk uniqueness and impact
* Double highlight
* More basic fw tools
* More AT: ethics—Tibbs and Woods enlightenment/freedom bad, antiethics

## 1NCs

### AT: Policy—Short

#### THE LAW IS NEVER ENFORCED AS IT IS WRITTEN—their criminalizing logic obfuscates structures of antiblackness and propagates the prison-industrial complex

Gourevitch 6/24 (Alex, political science professor at Stanford, “Gun control’s racist reality: The liberal argument against giving police more power,” 2015, Salon, http://www.salon.com/2015/06/24/gun\_controls\_racist\_reality\_the\_liberal\_argument\_against\_giving\_police\_more\_power/)

The dead are buried, the murderer apprehended, and the shock has started to wear off. Now comes the public reaction to the massacre in Charleston.¶ Soon after the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, the first black president of the United States offered some thoughts on Dylan Roof’s racist attack. First and foremost, President Obama said, recent events were about how “innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hand on a gun.” The killings were also about a “dark chapter in our history,” namely racial slavery and Jim Crow. Obama only suggested practical action regarding the first issue, namely gun control.¶ He did not consider that such measures will make the persistence of the second problem even worse.¶ It is perhaps counterintuitive to say so but gun control responses to mass killings – whether racially motivated or otherwise – are a deep mistake. The standard form of gun control means writing more criminal laws, creating new crimes, and therefore creating more criminals or more reasons for police to suspect people of crimes. More than that, it means creating yet more pretexts for a militarized police, full of racial and class prejudice, to overpolice.¶ As multiple police killings of unarmed black men have reminded us, the police already operate with barely constrained force in poor, minority neighborhoods. From SWAT to stop-and-frisk to mass incarceration to parole monitoring, the police manage a panoply of programs that subject these populations to multiple layers of coercion and control. As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority.¶ While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s stop-and-frisk program, was justified as a gun control rather than a drug war measure. In the name of preventing violence, hundreds of thousands of poor minorities are subject to searches without probable cause each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence.¶ This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. Possession is far more widespread than can possibly be policed so decisions have to be made about where to devote resources. Furthermore, since possession itself is the crime, the only way to police that crime is to shift from actual harm to identifying and preventing risks. As legal scholar Benjamin Levin argues in a forthcoming piece¶ “Searching for guns – like searching for drugs – can easily become pretextual, a proxy for some general prediction of risk, danger, or lawlessness.”¶ In other words, there must be selective enforcement, where enforcement includes invasive searches based on existing prejudices about who is and isn’t dangerous. For example, as research by Jeff Fagan and Garth Davies shows, in the late 1990s, the NYPD used suspected weapons violations to justify numerous stops, even though these stops resulted in fewer arrests than stops for other crimes. And when it comes to individualized assessments of who is dangerous and worthy of punishment, every study shows steep, and unfounded, bias. Michelle Alexander, quotes a former U.S. attorney in her recent sensation, “The New Jim Crow,” saying the following:¶ “I had an [assistant U.S. attorney who] wanted to drop the gun charge against the defendant [in a case which] there were no extenuating circumstances. I asked, ‘Why do you want to drop the gun offense?’ And he said, ‘He’s a rural guy and grew up on a farm. The gun he had with him was a rifle. He’s a good ol’ boy, and all good ol’ boys have rifles, and it’s not like he was a gun-toting drug dealer.’ But he was a gun-toting drug dealer, exactly.”¶ This isn’t just a point about conscious and unconscious biases towards poor minorities – biases that some imagine can be removed with proper training. No matter how neutral the laws are, their enforcement must remain unequal and unfair. That is because the policing involved would never be tolerated if they affected politically influential groups to the same degree. These policing practices persist because they are disproportionately directed against marginal populations.¶ Once individuals find themselves arrested gun control reappears as a reason for increasing punishment. Gun possession can be used to enhance sentences for other crimes and even functions as a kind of double punishment when that possession becomes the reason for also tacking on an extra criminal charge. Gun charges are also a part of the excessive and racially unequal over-charging practices that not only contribute to rising incarceration rates but also ends force numerous individuals away from trial and into plea bargains. Poor Blacks and Latinos are easily intimidated by charge-happy prosecutors into accepting plea deals, meaning they never see their day in court. Some even end up admitting to crimes they did not commit just to avoid the possibility of more severe punishments. More criminal gun laws would only feed this deeply unjust system.¶ There is an unrecognized gap between the justification for gun control and its most likely effect. There is no reason to expect fair enforcement of gun control laws, or even that they will mainly be used to someone prevent these massacres. That is because how our society polices depends not on the laws themselves but on how the police – and prosecutors and courts – decide to enforce the law. Especially given how many guns there are in the U.S., gun law enforcement will be selective. That is to say, they will be unfairly enforced, only deepening the injustices daily committed against poor minorities in the name of law and order.¶ It is hard to imagine any feasible gun control laws doing much to decrease mass shootings. But it is easy to see how they will become part of the system of social control of mostly black, mostly poor people. There are already too many crimes, there is too much criminal law, and there is far too much incarceration — especially of black people. To the degree that all that is part of the “dark chapter in our history,” given the deep injustice of our society, and especially its policing practices, the actual practice of gun control will continue that dark chapter, not resolve it.¶ Of course, a reasonable gun control regime is logically possible. We can imagine one in our heads. But it is not politically possible in the United States right now. And it is a great error to think that gun control is the path to racial justice. More likely, it is the other way around. Racial justice is a precondition for any reasonable gun control regime.¶ That, perhaps, is why the demands that have emerged from the #blacklivesmatter movement focus not on gun control but instead on demilitarizing the police and investing in “jobs, housing, and schools” for those “black communities most devastated by poverty.”¶ What happened in Charleston is a horrific tragedy. The criminal law will not solve it. I wish I had a better solution ready at hand. I don’t, though I think it would start by freeing our political imagination from instinctively reaching for the criminal law.

#### The alternative is a grassroots strategy of decarceration—our centering of race establishes a radically oriented strategy that moves us towards ending the carceral regime and ultimately abolishing the prison system—reform can be useful but our grassroots race centered vision is the only way to ensure it doesn’t re-establish racist ideology

Berger ’13 (Dan, Assistant Professor at the University of Washington Bothell, “Social Movements and Mass Incarceration: What is To Be Done?”, Souls: A Critical Journal of Black Politics, Culture, and Society, Volume 15, Issue 1-2, 2013, pages 3-18)

The strategy of decarceration combines radical critique, direct action, and tangible goals for reducing the reach of the carceral state. It is a coalitional strategy that works to shrink the prison system through a combination of pragmatic demands and far-reaching, open-ended critique. It is reform in pursuit of abolition. Indeed, decarceration allows a strategic launch pad for the politics of abolition, providing what has been an exciting but abstract framework with a course of action. 32 Rather than juxtapose pragmatism and radicalism, as has so often happened in the realm of radical activism, the strategy of decarceration seeks to hold them in creative tension. It is a strategy in the best tradition of the black freedom struggle. It is a strategy that seeks to take advantage of political conditions without sacrificing its political vision. Today we are in a moment where it is possible, in the words of an organizer whose work successfully closed Illinois's infamous supermax prison Tamms in January 2013, to confront prisons as both an economic and a moral necessity. 33 Prisons bring together diverse forms of oppression across race, class, gender, sexuality, citizenship status, HIV status and beyond. The movements against them, therefore, will need to bring together diverse communities of resistance. They will need to unite people across a range of issues, identities, and sectors. That is the coalition underlying groups such as Californians United for a Responsible Budget (CURB), the Nation Inside initiative, and Decarcerate PA. The fight against prisons is both a targeted campaign and a broad-based struggle for social justice. These movements must include the leadership by those directly affected while at the same work to understand that prisons affect us all. This message is the legacy of prison rebellions from Attica in 1971 to Pelican Bay in 2012. The challenge is to maintain the aspirational elements of that message while at the same time translating it into a political program. Decarceration, therefore, works not only to shrink the prison system but to expand community cohesion and maximize what can only be called freedom. Political repression and mass incarceration are joined at the hip. The struggles against austerity, carcerality, and social oppression, the struggles for restorative and transformative justice, for grassroots empowerment and social justice must be equally interconnected. For it is only when the movement against prisons is as interwoven in the social fabric of popular resistance as the expansion of prisons has been stitched into the wider framework of society that we might hope to supplant the carceral state. There are many obstacles on the path toward decarceration; the existence of a strategy hardly guarantees its success. Until now, I have focused largely on the challenges internal to the movement, but there are even taller hurdles to jump in encountering (much less transforming) the deeply entrenched carceral state. Perhaps the biggest challenge, paradoxically, comes from the growing consensus, rooted in the collective fiscal troubles of individual states, that there is a need for prison reform. In that context, a range of politicians, think tanks, and nonprofit organizations—from Right on Crime to the Council on State Governments and the Pew Charitable Trusts—have offered a spate of neoliberal reforms that trumpet free market solutions, privatization, or shifting the emphasis away from prisons but still within the power of the carceral state. Examples include the “Justice Reinvestment” processes utilized by states such as Texas and Pennsylvania that have called for greater funding to police and conservative victim's rights advocates while leaving untouched some of the worst elements of excessive punishment. These neoliberal reforms can also be found in the sudden burst of attention paid to “reentry services” that are not community-led and may be operated by private, conservative entities. 34 Perhaps the grandest example can be found in California, where a Supreme Court ruling that overcrowding in the state's prisons constituted cruel and unusual punishment has been met with a proposal for “realignment,” that shifts the burden from state prisons to county jails. 35 A combination of institutional intransigence and ideological commitment to punish makes the road ahead steep. Even as many states move to shrink their prison populations, they have done so in ways that have left in place the deepest markings of the carceral state, such as the use of life sentences and solitary confinement, and the criminalization of immigrants. Social movements will need to confront the underlying ideologies that hold that there is an “acceptable” level of widespread imprisonment, that there is a specter of villainy out there—be they “illegal immigrants,” “cop killers,” “sex criminals”—waiting in the wings to destroy the American way of life. 36 There is a risk, inherent in the sordid history of prison reform, that the current reform impulse will be bifurcated along poorly defined notions of “deservingness” that will continue to uphold the carceral logic that separates “good people” from “bad people” and which decides that no fate is too harsh for those deemed unworthy of social inclusion. This, then, is a movement that needs to make nuanced yet straightforward arguments that take seriously questions of accountability while showing that more cops and more (whether bigger or smaller) cages only takes us further from that goal. 37 At stake is the kind of world we want to live in, and the terms could not be more clear: the choice, to paraphrase Martin Luther King, is either carceral chaos or liberatory community. The framework of community—as expressed Decarcerate PA slogan “build communities not prisons” and the CURB “budget for humanity” campaign—allows for a robust imagination of the institutions and mechanisms that foster community versus those that weaken it. It focuses our attention on activities, slogans, programs, and demands that maximize communities. In short, it allows for unity. If the state wants to crush dissent through isolation, our movements must rely on togetherness to win. Solidarity is the difference between life and death. State repression expands in the absence of solidarity. Solidarity is a lifeline against the logic of criminalization and its devastating consequences. For the most successful challenges to imprisonment come from intergenerational movements: movements where people raise each other's consciousness and raise each other's children, movements that fight for the future because they know their history. Here, in this pragmatic but militant radicalism, is a chance to end mass incarceration and begin the process of shrinking the carceral state out of existence.

### AT: Policy—Long

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As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority.¶ While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s stop-and-frisk program, was justified as a gun control rather than a drug war measure. In the name of preventing violence, hundreds of thousands of poor minorities are subject to searches without probable cause each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence.¶ This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. 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#### Every expansion of criminal laws legitimizes the U.S. as a moral authority, but that authority is premised on its violent targeting of poor colored bodies

Cacho 12 (Lisa Marie, Associate Professor of English, Asian American Studies, Latina/Latino Studies, and Gender and Women's Studies, Social Death: Racialized Rightlessness and the Criminalization of the Unprotected, 2012)

Needless to say, **increasing incarceration rates in the United States do not** necessarily **indicate** that **more crimes are being committed. Instead, they often result from the fact that more and more activities are either repack-aged as much more dangerous than comparable suburban delinquencies or redefined as illegal. Criminal laws in the United States are expanded and ex-tended every year at the local, state, and federal levels. The vast majority of these laws either criminalize the recreational activities of the poor of color, such as using specific street drugs, or create harsher penalties for crimes al-ready on the books, such as gang enhancement charges or mandatory domestic violence sentencing.** According to the Bureau of Justice Statistics, drug offenders and public-order offenders (which include those who break immigration laws) accounted for 87 percent of the growth in the federal in-mate population between 1995 and 2003.27 Although African Americans constitute only 13 percent of the U.S. population, in 2005 black men accounted for 4o percent of state and federal male inmates who had been sentenced for more than one year." **The pervasiveness of law-and-order ways of knowing accompanied by discipline-and-punish strategies of subjection can be attributed to what ethnic studies scholar Dylan Rodriguez calls the "prison regime:'** For the state, **criminalization and its regulation are central practices of governmentality because they are vital for legitimating the state's authority.** As Rodri-guez argues, **The multiple technologies of power inaugurated and spun outward by the prison regime enable[s] the material practice of state power, inscribing its self-narrated dominion, authority, and (moral) legitimacy to coerce: the ascendancy and authority of the state must be enacted, ritualized, and signified through the prison regime—and massively performed on target bodies —to become "real.' A prison is more than an institution or an apparatus. As Rodriguez ex-plains, a prison is "a dynamic state-mediated practice of domination and** **control. And as the neoliberal state increasingly intervened on behalf of capital to strengthen the United States' position within the global economy, such practices were imposed on other nations as well.**

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#### Framework—this debate should be about the development of movements to challenge institutional racism—public consciousness is a prior question to policy specifics

Alexander 10 [2010, Michelle Alexander, is an associate professor of law at Ohio State University, a civil rights advocate and a writer. “New Jim Crow : Mass Incarceration in the Age of Colorblindness” ProQuest ebrary, pp. 221-224]

The list could go on, of course, but the point has been made. The central question for racial justice advocates is this: are we serious about ending this system of control, or not? If we are, there is a tremendous amount of work to be done. The notion that all of these reforms can be accomplished piecemeal— one at a time, through disconnected advocacy strategies— seems deeply misguided. All of the needed reforms have less to do with failed policies than a deeply flawed public consensus, one that is indifferent, at best, to the experience of poor people of color. As Martin Luther King Jr. explained back in 1965, when describing why it was far more important to engage in mass mobilizations than file lawsuits, “We’re trying to win the right to vote and we have to focus the attention of the world on that. We can’t do that making legal cases. We have to make the case in the court of public opinion.” 21 King certainly appreciated the contributions of civil rights lawyers (he relied on them to get him out of jail), but he opposed the tendency of civil rights lawyers to identify a handful of individuals who could make great plaintiffs in a court of law, then file isolated cases. He believed what was necessary was to mobilize thousands to make their case in the court of public opinion. In his view, it was a flawed public consensus— not merely flawed policy— that was at the root of racial oppression. Today, no less than fifty years ago, a flawed public consensus lies at the core of the prevailing caste system. When people think about crime, especially drug crime, they do not think about suburban housewives violating laws regulating prescription drugs or white frat boys using ecstasy. Drug crime in this country is understood to be black and brown, and it is because drug crime is racially defined in the public consciousness that the electorate has not cared much what happens to drug criminals— at least not the way they would have cared if the criminals were understood to be white. It is this failure to care, really care across color lines, that lies at the core of this system of control and every racial caste system that has existed in the United States or anywhere else in the world. Those who believe that advocacy challenging mass incarceration can be successful without overturning the public consensus that gave rise to it are engaging in fanciful thinking, a form of denial. Isolated victories can be won— even a string of victories— but in the absence of a fundamental shift in public consciousness, the system as a whole will remain intact. To the extent that major changes are achieved without a complete shift, the system will rebound. The caste system will reemerge in a new form, just as convict leasing replaced slavery, or it will be reborn, just as mass incarceration replaced Jim Crow. Sociologists Michael Omi and Howard Winant make a similar point in their book Racial Formation in the United States. They attribute the cyclical nature of racial progress to the “unstable equilibrium” that characterizes the United States’ racial order. 22 Under “normal” conditions, they argue, state institutions are able to normalize the organization and enforcement of the prevailing racial order, and the system functions relatively automatically. Challenges to the racial order during these periods are easily marginalized or suppressed, and the prevailing system of racial meanings, identity, and ideology seems “natural.” These conditions clearly prevailed during slavery and Jim Crow. When the equilibrium is disrupted, however, as in Reconstruction and the Civil Rights Movement, the state initially resists, then attempts to absorb the challenge through a series of reforms “that are, if not entirely symbolic, at least not critical to the operation of the racial order.” In the ab-sence of a truly egalitarian racial consensus, these predictable cycles inevitably give rise to new, extraordinarily comprehensive systems of racialized social control. One example of the way in which a well established racial order easily absorbs legal challenges is the infamous aftermath of the Brown v. Board of Education decision. After the Supreme Court declared separate schools inherently unequal in 1954, segregation persisted unabated. One commentator notes: “The statistics from the Southern states are truly amazing. For ten years, 1954– 1964, virtually nothing happened.” 23 Not a single black child attended an integrated public grade school in South Carolina, Alabama, or Mississippi as of the 1962– 1963 school year. Across the South as a whole, a mere 1 percent of black school children were attending school with whites in 1964— a full decade after Brown was decided. 24 Brown did not end Jim Crow; a mass movement had to emerge first—one that aimed to create a new public consensus opposed to the evils of Jim Crow. This does not mean Brown v. Board was meaningless, as some commentators have claimed. 25 Brown gave critical legitimacy to the demands of civil rights activists who risked their lives to end Jim Crow, and it helped to inspire the movement (as well as a fierce backlash). 26 But standing alone, Brown accomplished for African Americans little more than Abraham Lincoln’s Emancipation Proclamation. A civil war had to be waged to end slavery; a mass movement was necessary to bring a formal end to Jim Crow. Those who imagine that far less is required to dismantle mass incarceration and build a new, egalitarian racial consensus reflecting a compassionate rather than punitive impulse toward poor people of color fail to appreciate the distance between Martin Luther King Jr.’s dream and the ongoing racial nightmare for those locked up and locked out of American society. The foregoing should not be read as a call for movement building to the exclusion of reform work. To the contrary, reform work is the work of movement building, provided that it is done consciously as movement-building work. If all the reforms mentioned above were actually adopted, a radical transformation in our society would have taken place. The relevant question is not whether to engage in reform work, but how. There is no shortage of worthy reform efforts and goals. Differences of opinion are inevitable about which reforms are most important and in what order of priority they should be pursued. These debates are worthwhile, but it is critical to keep in mind that the question of how we do reform work is even more important than the specific reforms we seek. If the way we pursue reforms does not contribute to the building of a movement to dismantle the system of mass incarceration, and if our advocacy does not upset the prevailing public consensus that supports the new caste system, none of the reforms, even if won, will successfully disrupt the nation’s racial equilibrium. Challenges to the system will be easily absorbed or deflected, and the accommodations made will serve primarily to legitimate the system, not undermine it. We run the risk of winning isolated battles but losing the larger war.

### AT: LD

#### THE LAW IS NEVER ENFORCED AS IT IS WRITTEN—their criminalizing logic obfuscates structures of antiblackness and propagates the prison-industrial complex

Gourevitch 6/24 (Alex, political science professor at Stanford, “Gun control’s racist reality: The liberal argument against giving police more power,” 2015, Salon, http://www.salon.com/2015/06/24/gun\_controls\_racist\_reality\_the\_liberal\_argument\_against\_giving\_police\_more\_power/)

The dead are buried, the murderer apprehended, and the shock has started to wear off. Now comes the public reaction to the massacre in Charleston.¶ Soon after the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, the first black president of the United States offered some thoughts on Dylan Roof’s racist attack. First and foremost, President Obama said, recent events were about how “innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hand on a gun.” The killings were also about a “dark chapter in our history,” namely racial slavery and Jim Crow. Obama only suggested practical action regarding the first issue, namely gun control.¶ He did not consider that such measures will make the persistence of the second problem even worse.¶ It is perhaps counterintuitive to say so but gun control responses to mass killings – whether racially motivated or otherwise – are a deep mistake. The standard form of gun control means writing more criminal laws, creating new crimes, and therefore creating more criminals or more reasons for police to suspect people of crimes. More than that, it means creating yet more pretexts for a militarized police, full of racial and class prejudice, to overpolice.¶ As multiple police killings of unarmed black men have reminded us, the police already operate with barely constrained force in poor, minority neighborhoods. From SWAT to stop-and-frisk to mass incarceration to parole monitoring, the police manage a panoply of programs that subject these populations to multiple layers of coercion and control. As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority.¶ While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s stop-and-frisk program, was justified as a gun control rather than a drug war measure. In the name of preventing violence, hundreds of thousands of poor minorities are subject to searches without probable cause each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence.¶ This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. Possession is far more widespread than can possibly be policed so decisions have to be made about where to devote resources. Furthermore, since possession itself is the crime, the only way to police that crime is to shift from actual harm to identifying and preventing risks. As legal scholar Benjamin Levin argues in a forthcoming piece¶ “Searching for guns – like searching for drugs – can easily become pretextual, a proxy for some general prediction of risk, danger, or lawlessness.”¶ In other words, there must be selective enforcement, where enforcement includes invasive searches based on existing prejudices about who is and isn’t dangerous. For example, as research by Jeff Fagan and Garth Davies shows, in the late 1990s, the NYPD used suspected weapons violations to justify numerous stops, even though these stops resulted in fewer arrests than stops for other crimes. And when it comes to individualized assessments of who is dangerous and worthy of punishment, every study shows steep, and unfounded, bias. Michelle Alexander, quotes a former U.S. attorney in her recent sensation, “The New Jim Crow,” saying the following:¶ “I had an [assistant U.S. attorney who] wanted to drop the gun charge against the defendant [in a case which] there were no extenuating circumstances. I asked, ‘Why do you want to drop the gun offense?’ And he said, ‘He’s a rural guy and grew up on a farm. The gun he had with him was a rifle. He’s a good ol’ boy, and all good ol’ boys have rifles, and it’s not like he was a gun-toting drug dealer.’ But he was a gun-toting drug dealer, exactly.”¶ This isn’t just a point about conscious and unconscious biases towards poor minorities – biases that some imagine can be removed with proper training. No matter how neutral the laws are, their enforcement must remain unequal and unfair. That is because the policing involved would never be tolerated if they affected politically influential groups to the same degree. These policing practices persist because they are disproportionately directed against marginal populations.¶ Once individuals find themselves arrested gun control reappears as a reason for increasing punishment. Gun possession can be used to enhance sentences for other crimes and even functions as a kind of double punishment when that possession becomes the reason for also tacking on an extra criminal charge. Gun charges are also a part of the excessive and racially unequal over-charging practices that not only contribute to rising incarceration rates but also ends force numerous individuals away from trial and into plea bargains. Poor Blacks and Latinos are easily intimidated by charge-happy prosecutors into accepting plea deals, meaning they never see their day in court. Some even end up admitting to crimes they did not commit just to avoid the possibility of more severe punishments. More criminal gun laws would only feed this deeply unjust system.¶ There is an unrecognized gap between the justification for gun control and its most likely effect. There is no reason to expect fair enforcement of gun control laws, or even that they will mainly be used to someone prevent these massacres. That is because how our society polices depends not on the laws themselves but on how the police – and prosecutors and courts – decide to enforce the law. Especially given how many guns there are in the U.S., gun law enforcement will be selective. That is to say, they will be unfairly enforced, only deepening the injustices daily committed against poor minorities in the name of law and order.¶ It is hard to imagine any feasible gun control laws doing much to decrease mass shootings. But it is easy to see how they will become part of the system of social control of mostly black, mostly poor people. There are already too many crimes, there is too much criminal law, and there is far too much incarceration — especially of black people. To the degree that all that is part of the “dark chapter in our history,” given the deep injustice of our society, and especially its policing practices, the actual practice of gun control will continue that dark chapter, not resolve it.¶ Of course, a reasonable gun control regime is logically possible. We can imagine one in our heads. But it is not politically possible in the United States right now. And it is a great error to think that gun control is the path to racial justice. More likely, it is the other way around. Racial justice is a precondition for any reasonable gun control regime.¶ That, perhaps, is why the demands that have emerged from the #blacklivesmatter movement focus not on gun control but instead on demilitarizing the police and investing in “jobs, housing, and schools” for those “black communities most devastated by poverty.”¶ What happened in Charleston is a horrific tragedy. The criminal law will not solve it. I wish I had a better solution ready at hand. I don’t, though I think it would start by freeing our political imagination from instinctively reaching for the criminal law.

#### Every expansion of criminal laws legitimizes the U.S. as a moral authority, but that authority is premised on its violent targeting of poor colored bodies

Cacho 12 (Lisa Marie, Associate Professor of English, Asian American Studies, Latina/Latino Studies, and Gender and Women's Studies, Social Death: Racialized Rightlessness and the Criminalization of the Unprotected, 2012)

Needless to say, **increasing incarceration rates in the United States do not** necessarily **indicate** that **more crimes are being committed. Instead, they often result from the fact that more and more activities are either repack-aged as much more dangerous than comparable suburban delinquencies or redefined as illegal. Criminal laws in the United States are expanded and ex-tended every year at the local, state, and federal levels. The vast majority of these laws either criminalize the recreational activities of the poor of color, such as using specific street drugs, or create harsher penalties for crimes al-ready on the books, such as gang enhancement charges or mandatory domestic violence sentencing.** According to the Bureau of Justice Statistics, drug offenders and public-order offenders (which include those who break immigration laws) accounted for 87 percent of the growth in the federal in-mate population between 1995 and 2003.27 Although African Americans constitute only 13 percent of the U.S. population, in 2005 black men accounted for 4o percent of state and federal male inmates who had been sentenced for more than one year." **The pervasiveness of law-and-order ways of knowing accompanied by discipline-and-punish strategies of subjection can be attributed to what ethnic studies scholar Dylan Rodriguez calls the "prison regime:'** For the state, **criminalization and its regulation are central practices of governmentality because they are vital for legitimating the state's authority.** As Rodri-guez argues, **The multiple technologies of power inaugurated and spun outward by the prison regime enable[s] the material practice of state power, inscribing its self-narrated dominion, authority, and (moral) legitimacy to coerce: the ascendancy and authority of the state must be enacted, ritualized, and signified through the prison regime—and massively performed on target bodies —to become "real.' A prison is more than an institution or an apparatus. As Rodriguez ex-plains, a prison is "a dynamic state-mediated practice of domination and** **control. And as the neoliberal state increasingly intervened on behalf of capital to strengthen the United States' position within the global economy, such practices were imposed on other nations as well.**

#### The alternative is a grassroots strategy of decarceration—our centering of race establishes a radically oriented strategy that moves us towards ending the carceral regime and ultimately abolishing the prison system—reform can be useful but our grassroots race centered vision is the only way to ensure it doesn’t re-establish racist ideology

Berger ’13 (Dan, Assistant Professor at the University of Washington Bothell, “Social Movements and Mass Incarceration: What is To Be Done?”, Souls: A Critical Journal of Black Politics, Culture, and Society, Volume 15, Issue 1-2, 2013, pages 3-18)

The strategy of decarceration combines radical critique, direct action, and tangible goals for reducing the reach of the carceral state. It is a coalitional strategy that works to shrink the prison system through a combination of pragmatic demands and far-reaching, open-ended critique. It is reform in pursuit of abolition. Indeed, decarceration allows a strategic launch pad for the politics of abolition, providing what has been an exciting but abstract framework with a course of action. 32 Rather than juxtapose pragmatism and radicalism, as has so often happened in the realm of radical activism, the strategy of decarceration seeks to hold them in creative tension. It is a strategy in the best tradition of the black freedom struggle. It is a strategy that seeks to take advantage of political conditions without sacrificing its political vision. Today we are in a moment where it is possible, in the words of an organizer whose work successfully closed Illinois's infamous supermax prison Tamms in January 2013, to confront prisons as both an economic and a moral necessity. 33 Prisons bring together diverse forms of oppression across race, class, gender, sexuality, citizenship status, HIV status and beyond. The movements against them, therefore, will need to bring together diverse communities of resistance. They will need to unite people across a range of issues, identities, and sectors. That is the coalition underlying groups such as Californians United for a Responsible Budget (CURB), the Nation Inside initiative, and Decarcerate PA. The fight against prisons is both a targeted campaign and a broad-based struggle for social justice. These movements must include the leadership by those directly affected while at the same work to understand that prisons affect us all. This message is the legacy of prison rebellions from Attica in 1971 to Pelican Bay in 2012. The challenge is to maintain the aspirational elements of that message while at the same time translating it into a political program. Decarceration, therefore, works not only to shrink the prison system but to expand community cohesion and maximize what can only be called freedom. Political repression and mass incarceration are joined at the hip. The struggles against austerity, carcerality, and social oppression, the struggles for restorative and transformative justice, for grassroots empowerment and social justice must be equally interconnected. For it is only when the movement against prisons is as interwoven in the social fabric of popular resistance as the expansion of prisons has been stitched into the wider framework of society that we might hope to supplant the carceral state. There are many obstacles on the path toward decarceration; the existence of a strategy hardly guarantees its success. Until now, I have focused largely on the challenges internal to the movement, but there are even taller hurdles to jump in encountering (much less transforming) the deeply entrenched carceral state. Perhaps the biggest challenge, paradoxically, comes from the growing consensus, rooted in the collective fiscal troubles of individual states, that there is a need for prison reform. In that context, a range of politicians, think tanks, and nonprofit organizations—from Right on Crime to the Council on State Governments and the Pew Charitable Trusts—have offered a spate of neoliberal reforms that trumpet free market solutions, privatization, or shifting the emphasis away from prisons but still within the power of the carceral state. Examples include the “Justice Reinvestment” processes utilized by states such as Texas and Pennsylvania that have called for greater funding to police and conservative victim's rights advocates while leaving untouched some of the worst elements of excessive punishment. These neoliberal reforms can also be found in the sudden burst of attention paid to “reentry services” that are not community-led and may be operated by private, conservative entities. 34 Perhaps the grandest example can be found in California, where a Supreme Court ruling that overcrowding in the state's prisons constituted cruel and unusual punishment has been met with a proposal for “realignment,” that shifts the burden from state prisons to county jails. 35 A combination of institutional intransigence and ideological commitment to punish makes the road ahead steep. Even as many states move to shrink their prison populations, they have done so in ways that have left in place the deepest markings of the carceral state, such as the use of life sentences and solitary confinement, and the criminalization of immigrants. Social movements will need to confront the underlying ideologies that hold that there is an “acceptable” level of widespread imprisonment, that there is a specter of villainy out there—be they “illegal immigrants,” “cop killers,” “sex criminals”—waiting in the wings to destroy the American way of life. 36 There is a risk, inherent in the sordid history of prison reform, that the current reform impulse will be bifurcated along poorly defined notions of “deservingness” that will continue to uphold the carceral logic that separates “good people” from “bad people” and which decides that no fate is too harsh for those deemed unworthy of social inclusion. This, then, is a movement that needs to make nuanced yet straightforward arguments that take seriously questions of accountability while showing that more cops and more (whether bigger or smaller) cages only takes us further from that goal. 37 At stake is the kind of world we want to live in, and the terms could not be more clear: the choice, to paraphrase Martin Luther King, is either carceral chaos or liberatory community. The framework of community—as expressed Decarcerate PA slogan “build communities not prisons” and the CURB “budget for humanity” campaign—allows for a robust imagination of the institutions and mechanisms that foster community versus those that weaken it. It focuses our attention on activities, slogans, programs, and demands that maximize communities. In short, it allows for unity. If the state wants to crush dissent through isolation, our movements must rely on togetherness to win. Solidarity is the difference between life and death. State repression expands in the absence of solidarity. Solidarity is a lifeline against the logic of criminalization and its devastating consequences. For the most successful challenges to imprisonment come from intergenerational movements: movements where people raise each other's consciousness and raise each other's children, movements that fight for the future because they know their history. Here, in this pragmatic but militant radicalism, is a chance to end mass incarceration and begin the process of shrinking the carceral state out of existence.

#### Framework—education can be authoritarian or emancipatory—we inevitably learn from debate, so we should aim what we learn at social justice—thus the role of the ballot is to endorse the best anti-oppressive strategy

Giroux ’08 (Henry, prof in English and Cultural Studies at McMaster University, “Rethinking the Promise of Critical Education Under an Obama Regime,” 02 December 2008)

**What separates an authoritarian from an emancipatory notion of education is whether or not education** encourages and enables students to deepen their commitments to social justice, equality and individual and social **autonomy, while** at the same time **expanding their capacities to assume public responsibility and actively participate in the very process of governing.** As a condition of individual and social autonomy, **education introduces democracy to students as** a way of life **- an ethical ideal that demands constant attention - and,** as such, **takes seriously the responsibility for providing the conditions for people to exercise critical judgment,** reflexiveness, deliberation **and socially responsible action.’** Education is always political **because it is connected to the acquisition of agency**. **As a political project, education should illuminate the relationships among knowledge, authority and power.** It should also **draw attention to questions concerning who has control over the production of knowledge, values and skills**, and it should illuminate how knowledge, identities and authority are constructed within particular sets of social relations.In my view, **education is a deliberate attempt on the part of educators to influence how and what knowledge and subjectivities are produced within particular sets of social relations**.

### Radical

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The dead are buried, the murderer apprehended, and the shock has started to wear off. Now comes the public reaction to the massacre in Charleston.¶ Soon after the shootings at the Emanuel African Methodist Episcopal Church in Charleston, South Carolina, the first black president of the United States offered some thoughts on Dylan Roof’s racist attack. First and foremost, President Obama said, recent events were about how “innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hand on a gun.” The killings were also about a “dark chapter in our history,” namely racial slavery and Jim Crow. Obama only suggested practical action regarding the first issue, namely gun control.¶ He did not consider that such measures will make the persistence of the second problem even worse.¶ It is perhaps counterintuitive to say so but gun control responses to mass killings – whether racially motivated or otherwise – are a deep mistake. The standard form of gun control means writing more criminal laws, creating new crimes, and therefore creating more criminals or more reasons for police to suspect people of crimes. More than that, it means creating yet more pretexts for a militarized police, full of racial and class prejudice, to overpolice.¶ As multiple police killings of unarmed black men have reminded us, the police already operate with barely constrained force in poor, minority neighborhoods. From SWAT to stop-and-frisk to mass incarceration to parole monitoring, the police manage a panoply of programs that subject these populations to multiple layers of coercion and control. As a consequence, more than 7 million Americans are subject to some form of correctional control, an extremely disproportionate number of whom are poor and minority.¶ While it is commonly assumed that the drug war is to blame for all this, work by scholars like Benjamin Levin and Jeff Fagan demonstrates that already existing gun control efforts also play an important role. One of the most notorious areas of policing, the NYPD’s stop-and-frisk program, was justified as a gun control rather than a drug war measure. In the name of preventing violence, hundreds of thousands of poor minorities are subject to searches without probable cause each year. Further, a range of Supreme Court-authorized exceptions to standard Fourth Amendment protections against illegal search and seizure derive from a concern with gun violence.¶ This invasiveness is a necessary feature of criminalized gun possession. After all, policing guns is just like policing drugs. Like drugs, there are a vast number of guns. Possession is far more widespread than can possibly be policed so decisions have to be made about where to devote resources. Furthermore, since possession itself is the crime, the only way to police that crime is to shift from actual harm to identifying and preventing risks. As legal scholar Benjamin Levin argues in a forthcoming piece¶ “Searching for guns – like searching for drugs – can easily become pretextual, a proxy for some general prediction of risk, danger, or lawlessness.”¶ In other words, there must be selective enforcement, where enforcement includes invasive searches based on existing prejudices about who is and isn’t dangerous. For example, as research by Jeff Fagan and Garth Davies shows, in the late 1990s, the NYPD used suspected weapons violations to justify numerous stops, even though these stops resulted in fewer arrests than stops for other crimes. 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Cacho 12 (Lisa Marie, Associate Professor of English, Asian American Studies, Latina/Latino Studies, and Gender and Women's Studies, Social Death: Racialized Rightlessness and the Criminalization of the Unprotected, 2012)

Needless to say, **increasing incarceration rates in the United States do not** necessarily **indicate** that **more crimes are being committed. Instead, they often result from the fact that more and more activities are either repack-aged as much more dangerous than comparable suburban delinquencies or redefined as illegal. Criminal laws in the United States are expanded and ex-tended every year at the local, state, and federal levels. The vast majority of these laws either criminalize the recreational activities of the poor of color, such as using specific street drugs, or create harsher penalties for crimes al-ready on the books, such as gang enhancement charges or mandatory domestic violence sentencing.** According to the Bureau of Justice Statistics, drug offenders and public-order offenders (which include those who break immigration laws) accounted for 87 percent of the growth in the federal in-mate population between 1995 and 2003.27 Although African Americans constitute only 13 percent of the U.S. population, in 2005 black men accounted for 4o percent of state and federal male inmates who had been sentenced for more than one year." **The pervasiveness of law-and-order ways of knowing accompanied by discipline-and-punish strategies of subjection can be attributed to what ethnic studies scholar Dylan Rodriguez calls the "prison regime:'** For the state, **criminalization and its regulation are central practices of governmentality because they are vital for legitimating the state's authority.** As Rodri-guez argues, **The multiple technologies of power inaugurated and spun outward by the prison regime enable[s] the material practice of state power, inscribing its self-narrated dominion, authority, and (moral) legitimacy to coerce: the ascendancy and authority of the state must be enacted, ritualized, and signified through the prison regime—and massively performed on target bodies —to become "real.' A prison is more than an institution or an apparatus. As Rodriguez ex-plains, a prison is "a dynamic state-mediated practice of domination and** **control. And as the neoliberal state increasingly intervened on behalf of capital to strengthen the United States' position within the global economy, such practices were imposed on other nations as well.**

#### There is no line between respectable and criminal for people of color – your color marks you as an illegal person who deserves no rights and compassion because of your criminal nature—they’re blamed for the lives they’re forced into

Cacho 12 (Lisa Marie, Associate Professor of English, Asian American Studies, Latina/Latino Studies, and Gender and Women's Studies, Social Death: Racialized Rightlessness and the Criminalization of the Unprotected, 2012)

Creating Criminals and Globalizing the Prison Regime **When used as a political tactic, claiming deservingness through demonstrating respectability assumes** that **we can make a clear distinction between people of color who are criminal and people of color who are respectable, but this distinction is far from being fixed or stable**. Global capital capitalizes on local and global **processes of racialization and criminalization** to **produce "illegal" persons [and]** as well as spaces of lawlessness, or what Denise Ferreira da Silva terms "**zones of illegality**:" These zones of illegality are essentially "death-worlds" governed through lawlessness, places where **corrupt law enforcement officials abuse the laws by which they are supposed to abide, leaving residents heavily policed and yet absolutely unprotected.**' **Both within and beyond the borders of the United States, indigent and indigenous populations of color are literally made into criminals.** This ensures that **the poorest people** will **remain legally vulnerable and hyperexploitable because, as criminals,** they are denied not only rights but also compassion**.** For the last half century, economic restructuring has exacerbated poverty for the poor of color in the United States and abroad. **Poor people of color were also increasingly targeted for deportation, regulation, and incarceration as federal laws and international trade agreements further pathologized and criminalized their various methods of coping with their increasingly insurmountable obstacles and setbacks, such as working in underground economies or self-medicating with nonprescription street drugs**. In the early 1980s, the world faced a recession that began to undermine the gains secured by social movements across the globe. In the United States, organized labor began to lose more battles against corporate capital, and the hourly wages of 8o percent of the U.S. workforce declined." Asserting that the high wages of U.S. workers impeded corporate competitiveness, U.S. corporations complemented their assault on labor unions by moving production sites to the global South and increasing their foreign investments." During the recession, the Reagan administration reversed the hard won gains of previous decades by implementing neoliberal reforms in the United States and by supporting structural adjustment programs in the global South. Ac-cording to political analyst Walden F. Bello, the Reagan administration effectively dismantled the "activist state" of nations in the global South and global North."

#### [She continues]

**As** **the culture of crime and punishment continues to extend[s] far beyond prison walls** and as the definition of "property rights" continues to attack both physical "commons" (water and land) and virtual "commons" (information via the internet), **the poor of color within and beyond the U.S.-Mexico border are increasingly pathologized and criminalized, especially during and following moments of economic decline**. Arguably, the intensified criminal-ization of these classes not only tells us that **those most vulnerable are hurt the most during widespread economic hardship** but also suggests that **multinational corporations and neoliberal states have a monetary interest in in-creasing the number of people whose ways of coping economically (such as in informal economies) and emotionally (such as through unregulated self-medication) leave them with few sympathizers, as well as with an increas-ingly urgent need for more allies.** Hence, **the victims** of immigration law, free trade agreements, deindustrialization, and the prison regime **are not always as respectable as they need to be imagined. Many of the people within and beyond U.S. borders who are most vulnerable are those who work** (whether voluntarily or out of neces-sity) **in unregulated, noncapitalist, or nonmarket economies, which incorpo-rate not only counterfeit clothiers, indigenous fisherpersons, and subsistence farmers but also digital bootleggers, pop culture pirates, prostitutes, drug dealers, gang members, freedom fighters, and undocumented immigrants working for wages. The men and women whose means of living and working are criminalized are among the most legally vulnerable populations, whether they are citizens or immigrants, whether they are black, Latina/o, Asian, Arab, or indigenous. The same structures of capital exploitation that cre-ate differentially disadvantaged populations also create surplus populations that [They] cannot be incorporated into the "legal" economy at all precisely because the** (assumed) **legal economy runs on the illegal corporate practices that are absolutely dependent on indigent populations coerced participation. This population is marked as socially and often sexually deviant precisely because they make a living—and they make their lives worth living—outside legal and lawful boundaries**.

#### The impact is social death

Tao 14 Tao of Recovery, Substance Abuse Counselor, Master of Science in Social Work at the Kent School of Social Work, University of Louisville, The Case for the Decriminalization of Drugs, April, http://thetaoofrecovery.com/2014/04/13/the-case-for-the-decriminalization-of-drugs/

Once released from prison, **individuals find it difficult if not impossible to reintegrate into society.** Anderson (2012) argues that **the current system of mass incarceration depends not so much on prison time as it does on the prison label**. At yearend 2012, the combined U.S. correctional system supervised approximately 6,937,000 persons (Glaze & Herberman, 2012), and **in major cities as many as 80 percent of young Black men have criminal records and are now subject to** what Anderson (2012) refers to as “**legalized discrimination**”. Once released, **these persons are barred from public housing by law, discriminated against by private landlords, ineligible for food stamps, forced to ‘check the box’ indicating a felony conviction on employment applications for nearly every job, and denied licenses for a wide range of professions, people whose only crime is drug addiction or possession of a small amount of drugs for recreational use** find themselves locked out of **the mainstream** society **and economy—**permanently. (Anderson, 2012, p. 94) **Facing** what Nixon (2008) describes as “**civic death” comprised of poor employment prospects, homelessness, and social stigma, many find themselves re-incarcerated** – **some for new crimes, but many for technical violations of parole** (such as missed curfew or failed drug screens). **Ravaged by the cycle re-imprisonment of valuable members of society, minority communities have reached a tipping point** which Nixon (2008) describes as “the juncture **at which state policies that cause mass incarceration incapacitate neighborhood social networks to the point where the people of these communities are seen as nothing more than imprison-able”** (p. 25).

#### The alternative is to rupture the fantasy of liberal progressivism—endorse abolitionist pedagogies against white supremacy

Rodriguez 8, Dylan Rodriguez 2008, Professor and Chair of the Department of Ethnic Studies at UC Riverside. , Abolition Now! 93-100

Given that domestic warfare composes both the common narrative language and concrete material production of the state, **the question remains as to why the establishment left has not confronted this statecraft with the degree of absolute emergency that the condition implies (war!)**. Perhaps it is because **we are underestimate[es]ing the skill and reach of the state as a pedagogical (teaching) apparatus, replete with room for contradiction and relatively sanctioned spaces for " dissent" and counter-state organizing**. Italian political prisoner Antonio Gramsci's thoughts on the formation of the contemporary pedagogical state are instructive here: The Slale does have and request consent, but it also "educates" this consent, by means of the political and syndical associations; these, however, are private or­ ganisms, left to the private initiative of the ruling class. Although Gramsci was writing these words in the early 1900s, he had already iden­ tified the institutional symbiosis that would eventually produce the non-profit in­ dustrial complex. **b**The questions I wish to insert here, however, are whether the **financially enabling gestures of foundations also 1) exert a politically disciplinary or repressive force on contemporary social movements and community based organizations, while 2) nurturing an ideological and structural allegiance to the state that preempts a more creative, radical, abolitionist politics**. Several social movement scholars have argued that the "channeling mecha­ nisms" of the non-profit industrial complex "may now far outweigh the effect of direct social control by states in explaining the ... orthodox tactics, and moderate goals of much collective action in modern America." **The non-profit apparatus and its symbiotic relationship to the state amount to a sophisticated technology of po­ litical repression and social control, accompanying and facilitating the ideological and institutional mobilizations of a domestic war waging state**. Avowedly **pro­ gressive, radical, leftist, and even some misnamed "revolutionary" groups find it opportune to assimilate into this state-sanctioned organizational paradigm, as it simultaneously allows them to establish a relatively stable financial and operational infrastructure while avoiding the transience, messiness, and possible legal compli­ cation of working under decentralized, informal, or even "underground" auspices**. Thus, the aforementioned authors suggest that the emergence of the state-proc­ tored non-profit industry "suggests a historical movement away from direct, cruder forms [of state repression], toward more subtle forms of state social control of social movements." **The regularity with which progressive organizations immediately forfeit the crucial political and conceptual possibilities of abolishing domestic warfare is a direct reflection of the extent to which domestic war has been fashioned into the everyday, "normal" reality of the state**. By extension, the non-profit industrial complex, which is fundamentally guided by the logic of being state-sanctioned (and often state-funded), also reflects this common reality: **the operative assumptions of domestic warfare are taken for granted because they form and inform the popular consensus.** **Effectively contradicting, decentering, and transforming the popular consensus** (for example, **destabiliZing assertive assumptions common to progressive movements and organizations such as "we have to control/get rid of gangs," "we need prisons," or "we want better police") is**, in this context, **dangerously difficult work. Although, the truth of the matter is that the establishment US left, in ways both spoken and presumed, may actually agree with the political, moral, and ideological premises of domestic warfare**. Leaders as well as rank-and-file members in avowedly progressive organizations can and must reflect on how **they might actually be sup­ porting and reproducing existing forms of racism, white supremacy, state violence, and domestic warfare in the process of throwing their resources behind what they perceive as "winnable victories," in the lexicon of venerable community organizer Saul Alinsky**. **Our historical moment suggests the need for a principled political rupturing of existing techniques and strategies that fetishize and fixate on the negotiation, massaging, and management of the worst outcomes of domestic warfare**. **One political move long overdue is toward grassroots pedagogies of radical dis-identification with the state, in the trajectory of an anti-nationalism or anti-patriotism, that reorients a progressive identification with the creative possibilities of insurgency (this is to consider "insurgency" as a politics that pushes beyond the defensive maneuvering of "resistance")**. Reading a few a few lines down from our first invoking of Fanon's call to collective, liberatory action is clarifying here: "**For us who are determined to break the back of colonialism, our historic mission is to authorize every revolt, every desperate act, and every attack aborted or drowned in blood.**"

#### The role of the ballot is to political engage with prison abolition—political discourse in scholarship must promote a politics of imagination of envisioning the end of the prison—public discourse in the academy serves a unique role

Rodríguez 10 (Professor and Chair of Ethnic Studies @ UC Riverside [Dr. Dylan Rodríguez, “The Terms of Engagement: Warfare, White Locality, and Abolition,” Critical Sociology 36(1) pg. 151-173]

What were the fundamental concerns of our progressive organizations and movements during this time, and were they willing to comprehend and galvanize an effective, or even viable opposition to the white supremacist state’s terms of engagement (that is, warfare)? This radical accountability reflects a variation on anticolonial liberation theorist Frantz Fanon’s memorable statement to his own peers, comrades, and nemeses: Each generation must discover its mission, fulfill it or betray it, in relative opacity. In the underdeveloped countries preceding generations have simultaneously resisted the insidious agenda of colonialism and paved the way for the emergence of the current struggles. Now that we are in the heat of combat, we must shed the habit of decrying the efforts of our forefathers or feigning incomprehension at their silence or passiveness. (Fanon 2004 [1963]: 146) Lest we fall victim to a certain political nostalgia that is often induced by such illuminating Fanonist exhortations, **we** ought to clarify the premises of the social ‘mission’that our generation of USA-based progressive organizing has undertaken. In the vicinity of the constantly retrenching social welfare apparatuses of the US state, much of the most urgent and immediate work of community-based organizing has revolved around service provision. Importantly, this pragmatic focus also builds a certain progressive ethic of voluntarism that constructs the model activist as a variation on older liberal notions of the ‘good citizen’. Following Fanon, **the question is whether and how this mission ought to be fulfilled or betrayed**. To respond to **this political problem requires an analysis** and conceptualization of ‘the state’ **that is far more complex** and laborious **than we usually allow in our** ordinary **rush of obligations to build campaigns**, organize communities, and write grant proposals. **We require**, in other words**, a** scholarly activist framework **to understand that the state** can and must be radically confronted on multiple fronts by an abolitionist social theory. Effectively contradicting, decentering, and transforming the popular consensus (for example, destabilizing assertive assumptions common to progressive movements and organizations such as ‘we have to control/get rid of gangs,’ ‘we need prisons,’ or ‘we want¶ better police’) is, in this context, dangerously difficult work. Although the truth of the matter is that the establishment US left, in ways both spoken and presumed, may actually agree with the political, moral, and ideological premises of domestic warfare. Leaders as well as rank-and-file members in avowedly **progressive[s]** organizations can and **must reflect on how they might actually be supporting and reproducing existing forms of racism, white supremacy, state violence, and domestic warfare in the process of throwing their resources behind** **what they perceive as ‘**winnable victories**’**, in the lexicon of venerable community organizer Saul Alinsky. Arguably, **it is precisely the creative and pragmatic work of** political fantasy/political vision/political imagination **that is the** most underdeveloped **dimension of the** US establishment **left’s organizational modus operandi and public discourse**. While a full discussion is best left for sustained collective discussion, **we might consider the** **post**-19**60s** **history of** the reactionary, neoconservative, and Christian fundamentalist US right, **which has fully and**¶ **eagerly engaged in these political labors of** fantasy/vision/imagination**, and has seen the desires of their wildest dreams met or exceeded in their struggles for political and cultural hegemony**. **It might be useful to begin by thinking of ourselves as existing in a relationship** **of deep historical obligation to** the long and recent, faraway and nearby historical legacies of **radical, revolutionary, and liberationist struggles that have made the abolition of oppressive violence their most immediate and fundamental political desire**. Pg. 165-170

## Overviews

### Link

#### THE AFF IS EMBLEMATIC OF 21ST CENTURY RACISM—criminalizing guns gives police the excuse to raid black communities for guns – empirically proven: NYPD’s stop & frisk was justified as a gun, not drug, policy – that’s Gourevitch. This is white liberalism— they *assumes* laws will be implemented fairly when they always disproportionally affect the black body. The aff disguises itself as benign progressivism but fails to take into account racial politics – that props up notions of the ‘black criminal’ that maintains white supremacy and is grounded in white paternalism

#### *Independently, any appeal to the state as a moral authority only reproduces the prison regime—this authority can only be premised on the targeting of certain bodies—that’s Cacho*

### DAish Link

#### THE WAR ON DRUGS WILL BECOME THE WAR ON GUNS—the plan demands more police militarization—it’ll be enforced through racism like everything else and blacks will be disproportionately likely to be incarcerated and experience police brutality—empirically verified—stop-and-frisk was created as an enforcement mechanism for gun control—that’s Gourevitch

#### Err negative—squo gun laws are bad enough—almost 50% of those convicted for federal gun crimes are black—that’s a disparity larger than drug crimes—that’s Blanks

#### Fighting mass incarceration and the prison-industrial complex is the foremost question of the ballot—it’s a literal outgrowth of slavery—precedes the aff impact claims since it’s a question of your ethical orientation toward policy

### Impact Calc

#### K outweighs and turns the case—

#### a. Magnitude—1) prison industrial complex creates a vicious cycle of poverty since it’s hard to get a job when released, increasing recidivism & crime, 2) systemic racism – you only prop up the mindset that allows police brutality and vigilante killings to go unpunished—that mindset is the root cause of modern racism

#### b. Reps—we question the approach behind your policy and your stance towards racist institutions—fiat is illusory, so those in-round impacts outweigh

#### c. Alt solves the case—only radical decarceration can resolve our modern violent culture—criminalization only reproduces those very structures and motivates militarism

#### d. Probability—be suspect of their impact claims—all our evidence would support the conclusion that authors have an incentive to justify an extension of racist control by the state and to downplay police militarization and the prison industrial complex

#### e. Floating PIK—the alt does not preclude any use of law or even a gun ban but rather simply rejects the dominant stance toward legal institutions—race consciousness can be integrated into traditional legal politics but the aff’s liberal optimism renders that impossible

### Alt—Grassroots

#### The alt is a grassroots strategy of decarceration—that’s Berger 13—it’s both radical and concrete: it combines aspirational and coalitional politics with pragmatic demands that work to abolish the prison-industrial complex in its current form—its coalitional, unifying nature fights against criminalization of bodies

#### It’s a sequencing question—the alt must come before the aff—even if they win reformism good, only the alt’s grassroots-centered radical politics can ensure reform doesn’t entrench unconscious racism

#### It’s try or die for coalitions—the fight against prisons brings together a plethora of diverse communities—that’s key to fighting criminalization and halting state oppression

### Alt—Abolition

#### Embracing the alt contributes to a continuously unfurling fabric of abolitionist political horizons—it is not an isolated instance of resistance or action but rather the desire to be part of a broader movement against the pedagogy that the prison system subscribes to

#### The act of voting negative is an imagination of different political outcomes that are not limited by the material and institutional conditions in which we live—the alternative is a thought experiment—things like institutions and practicality do not matter because the point of our argument is not to answer the question “what should we do”

#### **This means that the alt is a prior question—while it may be possible that, at some point in the future, we can create policy, what we need right now is to build collective sites of learning to combine radical pedagogical energies, bringing together all the forces we have toward the end goal of abolition**

#### We need to take stock and understand the way the black body was criminalized—else the aff will result in serial policy failure

## Frontlines

### AT: Perm

#### 1. Links or severs—racist implementation is intrinsic to a gun ban, and affirmation of the current coercive legal system is always bad—we’ll win the framing uniqueness question that the prison industrial complex is pervasive and that something has to change—any inclusion of the aff is net worse, and if this should be our focus there’s no net benefit—severance is a voter since it kills critical engagement by letting them skirt out of all 1NC offense

#### 2. Compromise politics—squo sucks precisely because of concessionary politics that refuses to make grassroots decarceration our focal point—their cry that we must cling to some aspect of the USFG’s criminalizing logic and include it within the politics of the alternative papers over antiblackness and dooms solvency

#### 3. If the perm solves, kick the alt and vote neg on a case turn—all the enforcement args prove the world of the plan is worse than the squo

#### 4. Co-option DA—the alt is premised on a radical departure from the structures that criminalize certain bodies—perm forces that inclusion and dooms it

#### 5. Focus DA—we’ll win we need to focus our attention on the prison industrial complex and the aff is a distraction—also means any risk of our colorblindness links outweigh, the inclusion of the aff links and cannot resolve that

#### 6. They don’t get a perm—this isn’t a question of competing policy options but about methodologies and our stance towards legal structures—they’re just stealing the alt’s scholarship

### AT: Just History

#### Gun bans are racist NOW—

#### 1. Enforcement—the racist police are still largely the same—we have no reason to believe bans would magically be implemented in a substantially more fair way—they have to win authorities are not racially biased at all

#### 2. We’ll win our uniqueness claim—society now is characterized by the systematic exclusion of black communities—proves racist enforcement NOW and is sufficient to win us our other link args in case they beat Gourevitch

### AT: Won’t Be Racist

#### 1. Err neg—obviously the criminal justice system is incredibly violent toward people of color—ask yourself if you really think police and courts will be 100% objective

#### 2. Empirics confirm—stricter gun laws would be disastrous for people of color

Blanks 6/22 (Jonathan Blanks, Research Associate in Cato’s Project on Criminal Justice and Managing Editor of PoliceMisconduct.net, “Gun Control Will Not Save America from Racism,” Vice, 22 June 2015, <http://www.vice.com/read/gun-control-will-not-save-america-from-racism-622>) OS

The desire to do “something” after a tragedy is normal. Indeed, politicians often count on public outcry to enact new legislation. In his statement responding to the attack on Emanuel African Methodist Episcopal Church last Thursday, President Barack Obama made the familiar allusion to gun control. “We don’t have all the facts, but we do know that, once again, innocent people were killed in part because someone who wanted to inflict harm had no trouble getting their hands on a gun,” he said. But as politicians call for new gun laws in the wake of this racist attack, lawmakers ought to take a look at the origins and effectiveness of similar gun control measures that have passed, and their consequences—especially for black people. And in an era where blacks and other minorities continue to suffer from over-policing and disproportionately suffer the abuses of law enforcement, any new criminal laws should be carefully considered. Like many criminal laws, gun control legislation has disproportionately affected black people and contributed to sky- high rates of incarceration for minorities in the US. As Radley Balko wrote in the Washington Post last year: Although white people occasionally do become the victims of overly broad gun laws…the typical person arrested for gun crimes is more likely to have [black] complexion…. Last year, 47.3 percent of those convicted for federal gun crimes were black — a racial disparity larger than any other class of federal crimes, including drug crimes. In a 2011 report on mandatory minimum sentencing for gun crimes, the U.S. Sentencing Commission found that blacks were far more likely to be charged and convicted of federal gun crimes that carry mandatory minimum sentences. They were also more likely to be hit with “enhancement” penalties that added to their sentences. In fact, the racial discrepancy for mandatory minimums was even higher than the aforementioned disparity for federal gun crimes in general.

### AT: Root Cause = Fear of Black Guns

#### 1. They have to win police would *perceive* a gun ban as effectively reducing arms in black communities—that’s a missing internal link, and no new 2AR extrapolation—they wouldn’t since obviously they’d have a tendency to be skeptical of people of color and suspect the worst of them—that means aff doesn’t resolve their motivations—proves this is neg ev since police would go to great lengths to enforce a gun ban due to this fear of black armament

#### 2. Not just handguns—they fear black POWER—longguns and even knives take out the turn—even if handguns are more effective, it’s a question of the police’s *perception*

#### 3. False—they’re motivated by pure racism, not just fear—if police were truly brutal just out of fear for their own lives, why would they shoot unarmed teenagers that clearly posed no threat even in their minds? No, they literally have a desire to exact violence

### AT: Peniel/GC Racist

#### 1. Turn—self defense

Winkler 11 The Atlantic; The Secret History of Guns; Adam Winkler; September 2011; http://www.theatlantic.com/magazine/archive/2011/09/the-secret-history-of-guns/308608/

Opposition to gun control was what drove the black militants to visit the California capitol with loaded weapons in hand. The Black Panther Party had been formed six months earlier, in Oakland, by Huey Newton and Bobby Seale. Like many young African Americans, Newton and Seale were frustrated with the failed promise of the civil-rights movement. Brown v. Board of Education, the Civil Rights Act of 1964, and the Voting Rights Act of 1965 were legal landmarks, but they had yet to deliver equal opportunity. Ione zn Newton and Seale’s view, the only tangible outcome of the civil-rights movement had been more violence and oppression, much of it committed by the very entity meant to protect and serve the public: the police.¶ Inspired by the teachings of Malcolm X, Newton and Seale decided to fight back. Before he was assassinated in 1965, Malcolm X had preached against Martin Luther King Jr.’s brand of nonviolent resistance. Because the government was “either unable or unwilling to protect the lives and property” of blacks, he said, they had to defend themselves “by whatever means necessary.” Malcolm X illustrated the idea for Ebony magazine by posing for photographs in suit and tie, peering out a window with an M-1 carbine semiautomatic in hand. Malcolm X and the Panthers described their right to use guns in self-defense in constitutional terms. “Article number two of the constitutional amendments,” Malcolm X argued, “provides you and me the right to own a rifle or a shotgun.”¶ Guns became central to the Panthers’ identity, as they taught their early recruits that “the gun is the only thing that will free us—gain us our liberation.” They bought some of their first guns with earnings from selling copies of Mao Zedong’s Little Red Book to students at the University of California at Berkeley. In time, the Panther arsenal included machine guns; an assortment of rifles, handguns, explosives, and grenade launchers; and “boxes and boxes of ammunition,” recalled Elaine Brown, one of the party’s first female members, in her 1992 memoir. Some of this matériel came from the federal government: one member claimed he had connections at Camp Pendleton, in Southern California, who would sell the Panthers anything for the right price. One Panther bragged that, if they wanted, they could have bought an M48 tank and driven it right up the freeway.¶ Along with providing classes on black nationalism and socialism, Newton made sure recruits learned how to clean, handle, and shoot guns. Their instructors were sympathetic black veterans, recently home from Vietnam. For their “righteous revolutionary struggle,” the Panthers were trained, as well as armed, however indirectly, by the U.S. government.¶ Civil-rights activists, even those committed to nonviolent resistance, had long appreciated the value of guns for self-protection. Martin Luther King Jr. applied for a permit to carry a concealed firearm in 1956, after his house was bombed. His application was denied, but from then on, armed supporters guarded his home. One adviser, Glenn Smiley, described the King home as “an arsenal.” William Worthy, a black reporter who covered the civil-rights movement, almost sat on a loaded gun in a living-room armchair during a visit to King’s

#### Outweighs—a) some whites will inevitably disobey which means aff makes things worse by eliminating protection, b) proves our argument that the aff approach ignores race—they only look at the ways white people use guns and ignore the complex nature of gun culture as it exists in communities of color

#### 2. Aff doesn’t solve—whites may use guns to express racism, but they will simply project their racism onto different objects post-plan—they have no way to resolve enduring structures of antiblackness, so it’s try or die for the alt

#### 3. K outweighs—a) prison industrial complex is the modern incarnation of slavery, it tears communities apart and turns life into a living hell—a few hate crimes, which is what their ev impacts to, are awful but not as bad as *millions* having their humanity and their future stripped from them, b) potsfiat AF—your presentation of the 1AC was antiblack, you should lose even if the plan marginally decreases violence in an imaginary world

### AT: White Violence

#### 1. Non-unique—whites will be incredibly violent towards people of color even if handguns are banned—a) they could violate the bans, b) they could use other weapons, c) even without weapons, the forces of white supremacy and ignorance are hard to combat. Internal link outweighs since maybe aff is slightly better at restricting the means for whites to pursue violence, but it massively increases the ability for whites to lock up blacks

#### 2. Impact outweighs—thousands and thousands of people of color unfairly banished to federal prisons means a) in a world where even worse incarceration destroys black communities, white violence is less impactful than it would be in the squo, b) outweighs on scope magnitude—obviously violence is horrible but there would be fewer hate crimes than unjust verdicts and going to prison causes even more pain, c) turns the turn since communities would have an even harder time warding off white violence and blackness would be even more stigmatized which means hate crimes would be more likely

#### 3. Not just a question of material violence—our link arguments implicate your representations—your advocacy of the current paradigm of criminality and coercive legal enforcement is bad regardless of the plan’s consequences vis-à-vis self defense

### AT: Not Criminal Ban

#### 1. ADVOCACY SHIFT ALERT—you didn’t say that in the aff—gun laws are enforced now through the CJS which means this was not a predictable interpretation of the advocacy—that’s a voter—allows them to skirt out of all 1NC offense—debate is a competitive activity—at the very least evaluate the aff as a criminal ban

#### 2. The racist CJS doesn’t care about the letter of the law—they’ll find ways to convict people no matter what—for example the ban might spark a police investigation that leads to other charges

#### 4. Means you don’t solve the case since the enforcement mechanism isn’t strong enough to get people to comply

#### 5. Risk of a link outweighs—white supremacy sustains itself *through* the belief that it could never be as bad as we say for people of color—view their defense of coercive legal enforcement of any sort with skepticism

#### 6. All the other links still apply and are independently sufficient to vote neg

### AT: Non-UQ/Can’t Get Worse

#### 1. It can get worse—some blacks are not convicted—some blacks are not arrested or subject to police investigation—they’re not reading afro-pess which means this is a very literal, material question, not an ontological one. Incarceration rates could rise—this is a possible event…

#### 2. A full-out ban would be much worse than the squo because it’d give the police far more authority to conduct mass surveillance on black communities and convict people since it’s so much easier to be seen as violating a law. It’s a question of pretexts for an overly intrusive police force.

#### 3. Turn—if society is so irredeemably racist now that no policy could make it worse, your affirmation of the USFG and the current legal system is inherently problematic

## Link

### Self Defense

#### Use of guns is historically key to black civil rights movements and protection of black people in the U.S.

Winkler 11 The Atlantic; The Secret History of Guns; Adam Winkler; September 2011; http://www.theatlantic.com/magazine/archive/2011/09/the-secret-history-of-guns/308608/

Opposition to gun control was what drove the black militants to visit the California capitol with loaded weapons in hand. The Black Panther Party had been formed six months earlier, in Oakland, by Huey Newton and Bobby Seale. Like many young African Americans, Newton and Seale were frustrated with the failed promise of the civil-rights movement. Brown v. Board of Education, the Civil Rights Act of 1964, and the Voting Rights Act of 1965 were legal landmarks, but they had yet to deliver equal opportunity. Ione zn Newton and Seale’s view, the only tangible outcome of the civil-rights movement had been more violence and oppression, much of it committed by the very entity meant to protect and serve the public: the police.¶ Inspired by the teachings of Malcolm X, Newton and Seale decided to fight back. Before he was assassinated in 1965, Malcolm X had preached against Martin Luther King Jr.’s brand of nonviolent resistance. Because the government was “either unable or unwilling to protect the lives and property” of blacks, he said, they had to defend themselves “by whatever means necessary.” Malcolm X illustrated the idea for Ebony magazine by posing for photographs in suit and tie, peering out a window with an M-1 carbine semiautomatic in hand. Malcolm X and the Panthers described their right to use guns in self-defense in constitutional terms. “Article number two of the constitutional amendments,” Malcolm X argued, “provides you and me the right to own a rifle or a shotgun.”¶ Guns became central to the Panthers’ identity, as they taught their early recruits that “the gun is the only thing that will free us—gain us our liberation.” They bought some of their first guns with earnings from selling copies of Mao Zedong’s Little Red Book to students at the University of California at Berkeley. In time, the Panther arsenal included machine guns; an assortment of rifles, handguns, explosives, and grenade launchers; and “boxes and boxes of ammunition,” recalled Elaine Brown, one of the party’s first female members, in her 1992 memoir. Some of this matériel came from the federal government: one member claimed he had connections at Camp Pendleton, in Southern California, who would sell the Panthers anything for the right price. One Panther bragged that, if they wanted, they could have bought an M48 tank and driven it right up the freeway.¶ Along with providing classes on black nationalism and socialism, Newton made sure recruits learned how to clean, handle, and shoot guns. Their instructors were sympathetic black veterans, recently home from Vietnam. For their “righteous revolutionary struggle,” the Panthers were trained, as well as armed, however indirectly, by the U.S. government.¶ Civil-rights activists, even those committed to nonviolent resistance, had long appreciated the value of guns for self-protection. Martin Luther King Jr. applied for a permit to carry a concealed firearm in 1956, after his house was bombed. His application was denied, but from then on, armed supporters guarded his home. One adviser, Glenn Smiley, described the King home as “an arsenal.” William Worthy, a black reporter who covered the civil-rights movement, almost sat on a loaded gun in a living-room armchair during a visit to King’s

### Liberalism

#### The aff’s liberal agenda props up people of color as objects of pity while simultaneously criminalizing them – the plan symbolizes 21st century racism.

Murakawa 14 [2014, Naomi Murakawa is an Associate Professor Center for African American Studies, “First Civil Right: How Liberals Built Prison America.” ProQuest ebrary]

If the problem of the twentieth century was, in W. E. B. Du Bois’s famous words, “the problem of the color line,” then the problem of the twenty-first century is the problem of colorblindness, the refusal to acknowledge the causes and consequences of enduring racial stratification. 20 In the context of this stubborn refusal, many scholarly and journalistic accounts explain racialized carceral expansion as the outcome of a conservative backlash or Nixon’s “Southern Strategy,” the narrative pivoting on readily identifiable actors with known motives: anxious or resentful white voters, and Republican sentiments through coded anti-black appeals. Referenced since at least the 1964 presidential election and canonized in Thomas and Mary Edsall’s 1991 Pulitzer Prize finalist Chain Reaction, the backlash thesis holds that Republicans used racially coded appeals to win white voters who had became disillusioned with the late 1960s “excesses” of civil rights, Black Power, and the disorder of mass protests and violent uprisings. 21 For more than four decades, the backlash thesis has traveled through journalistic and academic works; such traveling confirms the theory’s dominance but simultaneously “stretches” its terminology. That the backlash thesis holds conventional-wisdom status is evidenced by the fact that so many scholars offer it en route to presenting their original research. 22 As a theory that pivots on anxious whites and opportunistic conservatives, backlash encourages certain analytical practices of “finding” racial power in a post– civil rights context. 23 Evidence of conservative racialization flows in a stream of familiar moments: Barry Goldwater’s 1964 equation of civil disobedience with black criminality, Richard Nixon’s 1971 commencement of the drug war, and George H. W. Bush’s infamous 1988 Willie Horton campaign ad. 24 The strongest evidence of “coding,” therefore, is “smoking gun” proof of racist scheming or a “gotcha” moment when the real motive slips out from the cover of colorblindness. Perhaps this is why dozens of backlash tomes cite Kevin Phillips’s The Emerging Republican Majority as nothing less than the official playbook for anti-black campaigns, and nearly as many recount Richard Nixon’s 1968 campaign advertisement followed by his candid racial slip. In an advertisement addressing a recent teachers’ strike, Nixon explained, “The heart of the problem is law-and-order in our schools.” His voiceover continued, “Discipline in the classroom is essential if our children are to learn.” Having read his script, Nixon accidentally recorded this statement to his staff: “Yep, this hits it right on the nose, the thing about this whole teacher— it’s all about law-and-order and the damn Negro– Puerto Rican groups out there.” 25 To code is to disguise racism for political gain; the moniker itself retains meaning as deliberate subterfuge. Undeniably repulsive, Nixon’s slip exposes the intent beneath the disavowal. With eyes fixed on the incendiary sins of conservative law-and-order, liberal agendas become contrast background, glossed quickly and presumed virtuous. Accounts of conservative backlash are not wrong; rather, I believe that they are so overwhelmingly persuasive that they eclipse the specificity of racial liberalism against which they respond. Our explanations too quickly dichotomize the late-1960s crime debate into “two schools of thought”: conservatives blamed crime on black culture, and “liberals, by contrast, insisted that social reforms” like “the War on Poverty and civil rights legislation would get at the ‘root causes’ of criminal behavior and stressed the social conditions that predictably generate crime.” 26 Polarizing conservative law-and-order versus liberal civil rights risks depoliticizing racial power by reducing racism to white animus, and it risks naturalizing some non-racial backdrop against which conservative “racialization” was dramatized. Searching for racism as emotional white “resentment” or strategic, subtextual “coding” means missing liberal racial criminalization that thrived in the full light of day. 27 Recognizing racial power requires eschewing the search for animus or calculation that Republicans “ cynically manipulated the anxieties of southern and working-class whites by focusing on issues like crime and welfare fraud that served as code words for race.” White animus too often propels backlash accounts, as if some primordial racism among southern and working-class whites simply presented a political opportunity for conservatives. 28 Racial power is not something that “an individual or a group exercises directly or intentionally over another individual or group,” as political scientist Claire Kim tells us; it is “rather a system property, permeating, circulating throughout and continuously constituting society.” 29 Indeed, the mandate to discount intentions must extend to what might appear to be goodwill. On the dangers of liberal reforms mobilized through white pity or paternalism, it is worth quoting historian Daryl Michael Scott’s Contempt & Pity at length: “Oppression was wrong, liberals suggested, because it damaged personalities, and changes had to be made to protect and promote the well-being of African Americans. Rather than standing on the ideals of the American creed and making reparations for the nation’s failure to live up to the separate-but-equal doctrine set forth in Plessy v. Ferguson , liberals capitulated to the historic tendency of posing blacks as objects of pity.” 30 Consider, for example, the banner case of civil rights victories: Brown v. Board of Education (1954). In making the case for school desegregation, legal strategists centralized the idea that segregation damaged black personality development. The potency of black damage imagery is evident in the fact that the Supreme Court cited several psychological studies, most famously Kenneth and Mamie Clark’s “doll experiment” in which black children selected white dolls as nicer, prettier, and smarter than brown dolls. Evidence that segregation injured black self-esteem, however, was quite mixed. Indeed, other psychological studies of the early 1950s concluded that school segregation psychologically protected black youth, and even the “doll experiment” data allowed for a similar interpretation. Despite contradictory and thin evidence, the Supreme Court’s Brown decision granted authoritative status to the idea that segregation damaged black self-esteem and personality development. By foregrounding black psychology rather than white economic advantage, Brown posited interracial contact in desegregated schools as the palliative cure. Moreover, since psychological studies “tested” segregation’s impact on black children without examining segregation’s damage to white personality development, Brown and its social scientific evidence reinforced paternal notions that blacks benefit from proximity to white superiors. 31 It is only by turning away from animus that a racial promise of liberal law-and-order becomes clear: liberals “criminalized” the race problem, often toward the end of compelling reform. Across the postwar period, liberals explained a range of disparate phenomenon— organized civil disobedience, mass uprisings, individual acts of petty crime— as indicators that white supremacy was unsustainable. Characterized as “volcanic threat” or “socio-racial dynamite,” black lawlessness was, for liberals, an expression of rage, frustration, or aggression. Not biologically preordained, black lawlessness was a product of white social engineering. President John Kennedy urged passage of civil rights legislation in June 1963 because the “fires of frustration and discord are burning in every city,” where “redress is sought in the streets, in demonstrations, parades, and protests which create tensions and threaten violence and threaten lives.” 32 By 1967, Johnson Democrats explained black lawlessness as a social, psychological, and familial adaptation to white racism. President Johnson’s 1967 Commission on Law Enforcement and Administration of Justice articulated this quintessential philosophy with the statement: “A civil rights law is a law against crime.” 33 By bracketing the search for coded, ill-willed racialization, the double edge of liberal advocacy becomes clear: perhaps the explosive volatility of black rage necessitated civil rights legislation, but the imagery militated against recognition of black humanity. That uncontrollable fire of black rage conjured “the black criminal,” the figure used to justify lynching, chain gangs, exploitative labor, segregation, and the overall maintenance of white supremacy. We might surmise the complicated mix of righteousness, fear, and empathy in Vice President Hubert Humphrey’s statement in July 1966: “If I had to live in the slums I think you’d have more trouble than you have already, because I’ve got enough spark left in me to lead a mighty good revolt.” Like a furious President Johnson, many criticized Humphrey’s statement as easy fodder in the 1968 campaign, as Nixon and his vice presidential candidate Spiro Agnew denounced Humphrey for “condon[ing] violence and advocate[ing] overthrow of the government.” 34 But we might note the dangers of his “facile intimacy,” as if he can slide into some predictable, easily knowable black anger. Observing his pride of “spunk” and his pleasure of indignation, we might situate Humphrey’s comments in political constructions of the black male figure— physically strong, socially irreverent, presumptively criminal— that is at once enviable, enticing, and menacing to white men, such that it “so seduces America just as often as the bogeyman that keeps America awake at night.” 35 By forgetting animus, it becomes clear that there was no post– civil rights exit from racial criminalization. There were “competing” constructions of black criminality, one callous, another with a tenor of sympathy and cowering paternalism. 36 With racialization understood as the extension of racial meaning, it is clear that, in the words of legal scholar Michelle Alexander, “the racialized nature of this [crime] imagery became a crucial resource for conservatives” in the late 1960s. With racialized imagery, conservatives “succeeded in using law-and-order rhetoric in their effort to mobilize the resentment of white working-class voters, many of whom felt threatened by the sudden progress of African Americans.” 37 If racialization is, as defined in Michael Omi and Howard Winant’s germinal Racial Formation in the United States, a historically specific ideological process that “extends racial meaning to a previously racially unclassified relationship, social practice or group,” then it is the “backdrop” to conservative racialization that warrants study.

### Omission

#### By making this debate a discussion of guns instead of a discussion of racism, they hijack the conversation – it allows the aff to avoid recognizing their complicity in violence and parallels white fear-mongering to cement control.

Carlson 15: [Jennifer Carlson, “Charleston isn’t really about gun control. It’s about racial violence”, Washington Post, June 19, 2015]

It’s been just a day since a gunman burst into the Emmanuel AME Church in Charleston, S.C., killing nine. But already, the media is abuzz with its usual response to mass shootings. On the one hand, pro-gun proponents bemoaned “[pistol-free zones](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.huffingtonpost.com_2015_06_18_bryan-2Dfischer-2Dcharleston-5Fn-5F7612662.html&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=nj34Lg3aocak2pHCYkTkmQaW4ieS_3PRd8Jtye3wpuM&s=uyg4DLePbPHsT4KT9RdV5LbjoevOvHs0_8exmeB1yYA&e=)” like churches, where guns aren’t allowed. If the victims had been armed, they argue, [this violence could have been prevented](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.huffingtonpost.com_2015_06_18_bryan-2Dfischer-2Dcharleston-5Fn-5F7612662.html&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=nj34Lg3aocak2pHCYkTkmQaW4ieS_3PRd8Jtye3wpuM&s=uyg4DLePbPHsT4KT9RdV5LbjoevOvHs0_8exmeB1yYA&e=). Gun control advocates, on the other hand, lamented that [easy access to guns emboldened criminals to carry out “unthinkable” crimes](https://urldefense.proofpoint.com/v2/url?u=http-3A__everytown.org_press_everytown-2Dsouth-2Dcarolina-2Dmoms-2Drespond-2Dto-2Dmass-2Dshooting-2Din-2Dcharleston-2Dthat-2Dkilled-2Dnine_&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=8C0zS1SVhz6UijeuH1sQkEKo63i9T-dy26B9-vHq7pU&s=CIDrXm0PKzXw9DbqGZmBDpLyBW4FkYJnkitJPX62tiQ&e=). Even President Obama linked the shooting to gun violence, [saying](https://www.washingtonpost.com/blogs/the-fix/wp/2015/06/18/president-obama-waves-the-white-flag-on-gun-control/?tid=pm_pop_b) “at some point, we as a country will have to reckon with the fact that this type of mass violence does not happen in other advanced countries.” Now Wayne LaPierre has explicitly blamed the massacre on there being too few guns in the church that night.” But turning this shooting into a referendum on the gun debate misses the point. It obscures a deeper, more uncomfortable conversation about race that can’t be resolved by passing gun laws or loosening gun restrictions. Too often, the gun debate serves as a powerful device for avoiding explicit challenges to racial violence, whether by adhering to a colorblind narrative of “[good guys” and “bad guys”](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.npr.org_2012_12_21_167824766_nra-2Donly-2Dthing-2Dthat-2Dstops-2Da-2Dbad-2Dguy-2Dwith-2Da-2Dgun-2Dis-2Da-2Dgood-2Dguy-2Dwith-2Da-2Dgun&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=nj34Lg3aocak2pHCYkTkmQaW4ieS_3PRd8Jtye3wpuM&s=K6r8I7gQxV5NTHeOrrVjnfzB1JSsuPUdsYAeun5Gfnw&e=) (at best) or playing into [racial imagery](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.aspentimes.com_news_14957190-2D113_michael-2Dbloomberg-2Dcalls-2Dcolorados-2Ddecision-2Don-2Dlegal-2Dpot-2Dstupid&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=nj34Lg3aocak2pHCYkTkmQaW4ieS_3PRd8Jtye3wpuM&s=JFrj1LQWimXZF79vkhpAGxyEqyTy8lika9ai2fys2sQ&e=) (at worst). Instead of rehashing a hackneyed gun debate that has never taken us very far in national conversations on race and racism, we should be explicitly addressing the core issue at stake: racial violence. To say it differently, this isn’t a story about guns. It’s a story about racial terrorism. What we know so far is that suspect Dylann Roof targeted the Emanuel AME Church both a place of worship and a historical site of black empowerment. He sat quietly for an hour, then broke out into gunfire, reloading his gun five times. As his victims pleaded with him to stop, he refused. “I have to do it,” he reportedly said. “You rape our women and you’re taking over our country. And you have to go.” He apparently wanted to spare at least one woman, so she could recount to others what happened in the church. If you substitute a noose for a gun, Roof’s actions are a shockingly unsurprising repetition of a long-standing history of Southern horrors; his desire to punish African Americans for the alleged rape of white women (“our women”), the fears of African Americans “taking over” government institutions, the insistence on using the public spectacle of white-on-black violence not just to victimize individuals but to warn and intimidate entire groups of Americans — all of these are textbook elements of the rampant racial terrorism marking the South (and, in some cases, the North) in the late 19th and early 20th centuries. Extralegal violence — whether in the form of rope, clubs, guns, fists, knives or other weapons — sustained this racial terrorism in Jim Crow America. According to the [Equal Justice Initiative](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.eji.org_lynchinginamerica_&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=8C0zS1SVhz6UijeuH1sQkEKo63i9T-dy26B9-vHq7pU&s=Q--9OlRUA9kXqCdvtn6JWoPHgZhymanuZ_SfkzeNU3U&e=), 4,000 lynchings occurred from 1877 to 1950 in just 12 states. Race riots — such as the “Burning of Black Wall Street” in 1921 — decimated black wealth and destroyed black communities. Meanwhile, “racial cleanings,” as Elliot Jaspin explains in “[Buried in Bitter Waters: The Hidden History of Racial Cleaning in America](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.amazon.com_Buried-2DBitter-2DWaters-2DHistory-2DCleansing_dp_0465036376&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=8C0zS1SVhz6UijeuH1sQkEKo63i9T-dy26B9-vHq7pU&s=WF2c88mfXQWl2s_8xhGaGKAE10lAOzAe9CZY9GjU9Jw&e=),“ compelled the forced expulsion of African Americans from towns across the South and the North. Each of these served to reinforce segregation and racial subordination. Against this historical backdrop, the Charleston shooting is far from inexplicable, as [South Carolina Gov. Nikki Haley said](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.theguardian.com_us-2Dnews_live_2015_jun_18_charleston-2Dchurch-2Dshooting-2Dreports-2Dfatalities-2Dsuspect-2Dlarge-2Dlatest-2Dupdates&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=nj34Lg3aocak2pHCYkTkmQaW4ieS_3PRd8Jtye3wpuM&s=PXK5DviB44T-t9RhdfsX-gJmfbrUuULeDSDveYQ7E9s&e=). The FBI keeps a tally on “hate crimes:” Not only do racially motivated crimes constitute [roughly half](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.fbi.gov_news_pressrel_press-2Dreleases_fbi-2Dreleases-2D2013-2Dhate-2Dcrime-2Dstatistics&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=8C0zS1SVhz6UijeuH1sQkEKo63i9T-dy26B9-vHq7pU&s=aQqqM6TBkDLcCreKnVpp8rKbgtVSPGfnBj0cvk-btgA&e=) of hate crimes reported to police, but African Americans are by far the largest group of victims — [65 percent in 2012](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.fbi.gov_about-2Dus_cjis_ucr_hate-2Dcrime_2012_tables-2Dand-2Ddata-2Ddeclarations_1tabledatadecpdf_table-5F1-5Fincidents-5Foffenses-5Fvictims-5Fand-5Fknown-5Foffenders-5Fby-5Fbias-5Fmotivation-5F2012.xls&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=8C0zS1SVhz6UijeuH1sQkEKo63i9T-dy26B9-vHq7pU&s=8jAR0DG5za4Av1WH5GR5rsAq0ffSgJzBkxNmmpqgoyc&e=) among race-motivated hate crimes. While a majority of hate crimes go [unreported](https://urldefense.proofpoint.com/v2/url?u=http-3A__www.bjs.gov_content_pub_pdf_hcv0412st.pdf&d=BQMFaQ&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=ci9dNSBHCsj_tBZnUFxUpnvmECiSBFNm6IYUdkMIY7I&m=8C0zS1SVhz6UijeuH1sQkEKo63i9T-dy26B9-vHq7pU&s=tBVAjiPEa-csvh0ZmE5050c0BY-Dhu4BwIwKqZghSiY&e=), the Bureau of Justice Statistics estimates around 200,000 to 300,000 happen every year, the vast majority of which are robberies, sexual assaults, aggravated assaults, simple assaults and murders. But even as America continues to be haunted by a violent past, there is a key difference: In the past, the state was at best complicit and at worst actively involved. Today, the police chief of Charleston called the massacre as he saw it: a “hate crime” that “no community should have to experience.” Naming these acts as hate crimes is a first step in coming to terms with a violent past that continues to haunt us. Like racial disparities in violence more generally, racial terrorism is not inevitable, but it can only begin to be addressed if we are willing to first forefront a conversation about the valuation of human life in the United States and how race continues to shape it. We need to have these conversations and use them to direct initiatives that can reduce violence across racial lines. While stories about guns generate clicks and sound-bytes, not every every shooting is a referendum on gun policy. Rather, the gun debate too often hijacks conversations, serving as a stand-in for the discussions we desperately need to be having — and actions we should be taking — about race, violence and inequality. That’s not to say we shouldn’t talk about guns, but when it is the only debate we are capable of having, that is a problem. Calling this incident out as racial terrorism, embedded in a deep, unsavory but persistently relevant history, is a first step.

### Informal Econ

#### The aff fuels the informal economy for handguns, delegitimizing the work and business of thousands now deemed criminals instead of businessmen

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Dixon expects the "fact that such guns are inaccurate and dangerous to the user will also act as a restraint to illegal gun production." [129] How much of a restraint may be open to doubt. While homemade guns will not win target- shooting contests, target shooters will have their own guns (kept at shooting ranges under the Dixon proposal), and homemade guns may suffice for robbery purposes. And most homicides, like most robberies, are perpetrated at very close range where accuracy is not an issue. The risk that a homemade gun could explode in a shooter's hand may deter some otherwise law-abiding citizens who would want to own an illegal handgun for protection. On the other hand, **if the person believes that the threats to his or her life and family are serious enough to commit the serious crime of buying an illegal handgun, the additional risk posed by potentially defective handgun may seem small**. In addition, **newfound popularity for bootleg guns might result in handguns becoming cheaper than they are now,** **just as in alcohol prohibition days, bootleg gin often cost less than legal alcohol had.** **If handguns were cheaper, they might become more available to** small-time teenage criminals and other low-end miscreants; criminals might end up more widely armed than ever before. **The inevitable black market in homemade and imported illegal handguns would provide a major new revenue source** to organized crime**.** As the black market in alcohol helped create and enrich organized crime in the United States, the new black market in handguns would fund and strengthen organized crime all the more. Dixon also acknowledges that **illegal handguns would also flow in across American borders**. [130] Indeed, **if small handguns were imported in the same physical volume as marijuana, 20 million would enter the country annually**. (**Current legal demand for new handguns is about 2.5 million a year**). [131]

### Spectacularization

#### The aff spectacularizes crime, directing our attention like a media news story to the big headlines – gun crimes, intimate-partner violence, and arms trafficking. The problem is that these narratives always find a way to point the finger at black men, even when they’re not the perpetrators. Historically, minorities are scapegoated as “the problem” and the actions of a few are used to direct blame at the black population as a whole,

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ISHMAEL REED When Black Guys Mess Up, Everybody Gets Paid OCTOBER 10, 2014 http://www.counterpunch.org/2014/10/10/when-black-guys-mess-up-everybody-gets-paid/

When Black Guys Mess Up, Everybody Gets Paid **Just as the first reports of the Kennedy**’s **assassination falsely accused black men** of committing the assassination, **the media ran with a report that the perpetrator of the Boston Marathon bombing was** a **dark skinned** individual.

I was driving home from my job at the California College of the Arts when Randy Rhodes announced that black people could relax because the perpetrators were white.I relaxed. The two passengers, my daughter Tennessee, a poet and poet Vernon Keeve, winner of a Zora Neale Hurston prize, relaxed. We had every reason to become anxious.**The actions of a few individuals have caused white mobs to lynch, terrorize and expel blacks from their property**.An estimated **three hundred blacks were killed in Tulsa** ,Oklahoma **because of a rumor that a black man,** Dick Rowland, **had raped a white female elevator operator**, Sarah Page.As usual **the media became the lynch mob leader**.After he had been released from jail, Rowland and Page met for coffee in Kansas City.

A black man called into the show and said that **if a black man had bombed the Boston Marathon, “ we would have all been rounded up.”** Black men weren’t rounded up physically, **because of Ray Rice’s actions**, but **they were caught in a media net**, figuratively. This was nothing new, in a country where a minority is treated as members of an enemy nation within a nation, the actions, often alleged, of one or two individuals are used to indict the many. Such **collectivi[zi]ng of blame isn’t new in history**. **The actions of one Jew**, Herschel Grynzspan, **gave the Nazis an excuse to launch Kristallnacht.So a few days after the Ray Rice footage was exposed by cable television, desperate for eyeballs, the actions of one or two individuals jumped to an indictment of the black male population**. Not satisfied with indicitng the brothers during the week ending Sept.14, Hispanic males were corralled on an MSNBC show devoted to feminist issues.

On Tuesday, Sept.16.**William Rhoden of the Times**, appearing on an MSNBC show, **said that black and brown women were the ones most affected by domestic violence. He’s wrong. The typical domestic violence perpetrator is a white male.** For example, **if one in five college women are raped, the rapist is most likely to be a white male since college enrollment for black men is low. Yet, when a black football player was alleged to have committed a rape, an “investigative report”** about the rape **began** on page one of the Times and jumped to fill two pages.

**Some of the most enthusiastic commentary about the violent actions of** some **black football players came from media white women**, who work at networks that have had problems with sexism since the beginning of the medium. **This case of a black male abuser shows that some black males acting stupid can really get the bourgeois sisterhood riled up, with such cases beginning a “national discussion” about domestic violence.** If the middle class corporate sisterhood, those who, according to Harriet Fraad, co- opted a working class integrated feminism, had been as riled up about Proposition 209, or Welfare Reform these legislation would never have passed. I’ve rarely seen the National Organization so pumped. Well, maybe when a black male, Clarence Thomas ignited a “ national discussion” about sexual harassment in the workplace, or when a black fictional character “Mr.” in Steven Spielberg’s version of “The Color Purple” began an international discussion about domestic violence and incest.

When I posted a comment about the National Organization for Women on Facebook, some criticism of the organization from black women began to appear in the replies. Such criticism has been muffled by the media, owned by wealthy white men, who chose feminist leaders just as they choose black leaders, Hispanic, and Asian American leaders. Activist Jolynn Brooks wrote:” Why doesn’t anyone speak to that fact that **American feminists** in large part **are** not egalitarian but too **often anti-male as well as anti-black**? I found this fact to be evident in the membership of the National Organization for Women. **I was in attendance when they voted down the candidacy of a black woman, Efia Nwangaza, for a leadership position with the thinnest of reasons. These bourgeois feminists are not revolutionary in their political orientation but rather totalitarian. They don’t want to replace the present political system with one that is just, principled, or guided by the dictates of each according to her/his ability; each according to her/his need. Instead, they are bald and bold in their need to replace white male patriarchy with a female version complete with its own bigotry and white-skin**. “

Ray Rice’s knocking his spouse unconscious has led to a festival of hypocrisy among the chattering classes. Dr. Louis Moore an assistant professor in the history department at Grand Valley State University commented about how **the offenses of a few black men are projected upon the many. “Part of the privilege of whiteness, is that Whites are allowed to be individuals,”** said Moore. “**So when Tony Stewart killed that man on the racetrack, it was an indictment on Tony Stewart, not White men**. **When Wes Welker got suspended for drugs, we did not have a national conversation about Whites’ use of drugs** even though we know that Whites use more drugs than Blacks.”

While I was invited by **Canadian radio** to air my views about the NFL, one of those media, which has published my Op-eds since the nineteen seventies, said that they had enough comments on the case. Their **commentary was controlled by white men of the kind who’ve appointed themselves the explainers of black Americans to the audience to whom cable wants to sell their products. Like anthropologists explaining the behavior of Indian**. At least Irving Berlin applied black face so you’d know that he had no experience at being one.

Also, why is it a surprise that men. who are trained to be weapons and even encouraged by some unscrupulous coaches to maim their opponents, can’t shed these feelings when away from the game. But **do these men represent all black men? To the cable networks, who have been searching for an O.J., [to] who would boost their ratings, they do. The O.J. trial saved CNN.** Black men not only were assets for the cotton industry but are assets for the football and the cable industries as well.**When black men mess up; everybody gets paid**. What Bill Withers said in his song “Use Me” must apply to them. “You just keep on using me / Until you use me up”

**And so Ray Rice’s brutal decking of his spouse followed a familiar pattern. First the shocking footage went viral. Then, to boost ratings, the virus spread to include other black men who’d perpetrated domestic violence, the old black bogeyman trope that has earned hundreds of millions of dollars and created political careers**. Every time I see Senator Corker on television, I’m reminded that he got to the senate by pairing his opponent, Harold Ford, with a white woman. The Anne Card. **In the course of the week Chris Brown, Mike Tyson, Floyd Mayweather were shamed and of course O.J. And by the middle of the week a guest on Joy Reid’s show indicted all black men**. **The behavior of one group of men toward women was not examined. They are the men who own the cable networks and provided the majority of the commentary about the actions of black men. They were all over MSNBC in a self-righteous orgy of tsk tsking about the behavior of the brothers.** The on air feminists who gave black men such a drubbing during the week are their colleagues and protectors. **During what became Ray Rice Week, a white man murdered five of his children, but this event didn’t ignite a national discussion about child murder**. In fact, the white perpetrator was given an out. Maybe he was on PCP mixed with synthetic marijuana, therefore, not responsible for his actions? The kind of out that is given, regularly, to white middle class kids who get into trouble with the law, according to a study made by a group of black and Hispanic students.

#### Turns case

Devega 15

Chauncey Devega, Salon, The plague of angry white men: How racism, gun culture & toxic masculinity are poisoning America, salon.com/2015/07/07/the\_plague\_of\_angry\_white\_men\_how\_racism\_gun\_culture\_toxic\_masculinity\_are\_poisoning\_america\_in\_tandem/

Dylann Roof was not silent before he murdered nine black people in their church, shooting and reloading multiple times, destroying their bodies with his white rage. He did not shout obscure or difficult to translate Latin phrases. Dylann Roof was not a blank slate or deep and nebulous well who left no written justification or explanation for his evil deeds. **White racial terrorist Dylann Roof told his African-American victims** why he was going to kill them. As though it was a type of forced civic duty and obligation, Roof said to his victims: “**I have to do it**.” He then shared his grievances: “**You rape our women and you’re taking over our country and you have to go.” Then he let off a fusillade of bullets**. A superficial reading would suggest that the “our” is simple to decipher: **Roof** is **channeling his white nationalist understanding of “America” as a country synonymous with and exclusively for “white” people.** This is the logic of the phrase that “America is a white man’s country.” The “our” also signifies the control and possession of white women’s bodies and personhood by white men. **The idea of black men raping white women is a centuries-old white American fantasy:** It is **the justification for the lynching tree**, where thousands of innocent black men were made into “strange fruit.” The lynching tree also reinforces a cultural lie, that white women are the most desired among all others, and tries to conceal how many white women from both before the founding of the United States, through to the Age of Obama, willingly have had relationships with black men, a perfectly banal observation that nonetheless enrages white supremacists.

### Paternalism

#### **Blacks don’t like the plan—they’re white paternalism**

Johnson ’13 (Nicholas Johnson is professor of Law at Fordham Law School, “Firearms Policy and the Black Community: An Assessment of the Modern Orthodoxy,” Connecticut Law Review Vol. 45 No. 5 July 2013, <http://connecticutlawreview.org/files/2013/10/6-Johnson.pdf>) OS

Other studies focusing specifically on Black attitudes show that a significant cohort of Blacks favors prohibition or other strong limits on the criminal subculture but disfavor blanket prohibition that would impede self-defense by trustworthy people. A study by Brennan and Lizotte, found that Blacks disfavored gun bans at higher levels than whites, even though they favored measures like permits and registration at levels higher than whites. This comports again with the intuition that many people who fear of violence will want guns to protect themselves and also favor laws promising to keep guns from criminals. This is just a snapshot of the social science. I do not claim that it is dispositive. But it does confirm the intuition that Black criminality might drive Black demand for lawfully owned guns just as readily as it fuels support for the supply control policies of the modern orthodoxy. This suggests a diversity of attitudes about firearms policy that is underrepresented by Black political establishment and obscured by overwhelming Black allegiance to the Democratic Party.

#### **White paternalism outweighs overt racism**

Valdary ’14 (Chloe, The Daily Beast, “Dear White People: Well-Meaning Paternalism Is Still Racist,” 12/9, <http://www.thedailybeast.com/articles/2014/12/09/dear-white-people-well-meaning-paternalism-is-still-racist.html>) OS

This is that precise moment where concern for others bleeds into paternalism; where unease with societal problems is transformed into enabling those very same societal problems and causing them to endure; where a genuine desire to stop racism actually itself takes another form of racism, albeit one cloaked in the facade of fairness and impartiality. The facts matter because the facts matter. The facts do not cease to matter merely because a white cop killed a black boy. If a white cop killed a white boy, the facts would matter. If a black cop killed a black boy, the facts would matter. If a black cop killed a white boy, the facts would matter. To suggest anything else is to perpetuate discrimination, the very thing that white people with an ostensible social justice bent claim to want to end. It is not merely morally absurd to suggest that facts do not matter; as a person of color, it is insulting and degrading. What this essentially means is that superman-wannabe white people do not see my people as their equal. Indeed, they view us as children who can never adhere to the standards of civility and decency to which they hold other groups. The only difference between this view and that of white supremacists is that while white supremacists view our apparent unequal human qualities to be negative, other white people view this as a positive. In a way, this is worse than the racism of white supremacists, since this is thought to be an honorable attitude. When white people burn buildings and murder people who are of a different shade, it’s considered to be racism. When people of color do it, it’s because they “just couldn’t take it anymore.” This foolishness is not progressivism. It is an innovation in self-righteous bigotry: “Black people just can’t help themselves and that’s all right with me.” This cannot continue. Disparagement painted over with the brushstrokes of complimentary praise is still disparagement. As blacks, we desire to be treated equally. Not differently. Not better. Not worse. Not like we’re demons. Not like we’re angels. But equally.

## Impact

### Racism O/W

#### Racism outweighs—

#### 1. Epistemology—prerequisite to evaluating other impact claims

Holloway 15 Kari, freelance writer and independent documentary film producer. Salon, “10 ways white people are more racist than they realize,” 3-4-15

Progressives like to believe they're enlightened, but they're no less vulnerable to their implicit biases. If there’s anything our fraught national dialogue on race has taught us, it’s that there are no racists in this country. (In fact, not only do multiple studies confirm that most white Americans generally believe racism is over — just 16 percent say there’s a lot of racial discrimination — it turns out that many actually believe white people experience more discrimination than black people.) It’s a silly idea, of course, but it’s easy to delude ourselves into thinking that inequality is a result of cultural failures, racial pathology and a convoluted narrative involving black-on-black crime, hoodies, rap music and people wearing their pants too low. To admit that racism is fundamental to who we are, that it imbues our thinking in ways we wouldn’t and couldn’t believe without the application of the scientific method, is infinitely harder. And yet, **there’s endless evidence** to prove it.¶ For those who recognize racism is real and pervasive, it’s also comforting to believe that discrimination is something perpetuated by other people, overlooking the ways we are personally complicit in its perpetuation. But fruitful conversations about race require acknowledging that racism sits at the very core of our thinking. By something akin to osmosis, culturally held notions around race mold and shape the prejudices of everyone within the dominant culture. People of color unwittingly internalize these notions as well, despite the fact that doing so contributes to our own marginalization. Most of us know the destructive outcomes systemic racism produces (higher rates of poverty, incarceration, infant mortality, etc.). Accepting that implicit bias is happening at every level makes it awful hard to chalk those issues up to black and brown failure.¶ Here’s a look at just some of the ways our internalized biases add up to devastating consequences for lives, communities and society.¶ 1. College professors, across race/ethnicity and gender, are more likely to respond to queries from students they believe are white males. Despite universities frequently being described as bastions of progressivism and liberal indoctrination centers, a recent study found that faculty of colleges and universities are more likely to ignore requests for mentorship from minority and/or female students. Researchers sent more than 6,500 professors at 259 schools in 89 disciplines identical letters that differed only in the name and implied race/gender of the fictitious student sender (e.g., “Mei Chen” as an Asian female; “Keisha Thomas” as a black female; “Brad Anderson” as a white male). The study found that regardless of discipline (with the sole exception of fine arts), faculty more consistently responded to perceived white males. Two notable additional findings: 1) professors at public institutions were significantly more likely than their private institution counterparts to respond to students of color, and 2) the students most discriminated against were perceived East Asian women, followed by South Asian men. You can look at the numbers up close here.¶ 2. White people, including white children, are less moved by the pain of people of color, including children of color, than by the pain of fellow whites. Three distinct studies support this finding. The first found that around age 7, white children began to believe black children are less susceptible to pain than white children. Another study found that emergency room personnel are less likely to give African American and Latino/Hispanic children pain medication, even when they are experiencing severe abdominal pain. The same study also found that even when the same tests are ordered, black and Hispanic children face significantly longer emergency room stays. A third study found that white people feel less empathy toward black people in pain than they do for whites experiencing pain.¶ 3.

#### 2. To accept the slightest degree of racism destroys our humanity, negates the possibility of political order, and could not be accepted by all

Albert Memmi 2k, Professor Emeritus of Sociology @ U of Paris, Naiteire, Racism, Translated by Steve Martinot, p. 163-165

The struggle against racism will be long, difficult, without intermission, without remission, probably never achieved. Yet, for this very reason, it is a struggle to be undertaken without surcease and without concessions. One cannot be indulgent toward racism; one must not even let the monster in the house, especially not in a mask. To give it merely a foothold means to augment the bestial part in us and in other people, which is to diminish what is human. To accept the racist universe to the slightest degree is to endorse fear, injustice, and violence. It is to accept the persistence of the dark history in which we still largely live. it is to agree that the outsider will always be a possible victim (and which man is not himself an outsider relative to someone else?. Racism illustrates, in sum, the inevitable negativity of the condition of the dominated that is, it illuminates in a certain sense the entire human condition. The anti-racist struggle, difficult though it is, and always in question, is nevertheless one of the prologues to the ultimate passage from animosity to humanity. In that sense, we cannot fail to rise to the racist challenge. However, it remains true that one’s moral conduit only emerges from a choice: one has to want it. It is a choice among other choices, and always debatable in its foundations and its consequences. Let us say, broadly speaking, that the choice to conduct oneself morally is the condition for the establishment of a human order, for which racism is the very negation. This is almost a redundancy. One cannot found a moral order, let alone a legislative order, on racism, because racism signifies the exclusion of the other, and his or her subjection to violence and domination. From an ethical point of view, if one can deploy a little religious language, racism is ‘the truly capital sin. It is not an accident that almost all of humanity’s spiritual traditions counsels respect for the weak, for orphans, widows, or strangers. It is not just a question of theoretical morality and disinterested commandments. Such unanimity in the safeguarding of the other suggests the real utility of such sentiments. All things considered, we have an interest in banishing injustice, because injustice engenders violence and death. Of course, this is debatable. There are those who think that if one is strong enough, the assault on and oppression of others is permissible. Bur no one is ever sure of remaining the strongest. One day, perhaps, the roles will be reversed. All unjust society contains within itself the seeds of its own death. It is probably smarter to treat others with respect so that they treat you with respect. “Recall.” says the Bible, “that you were once a stranger in Egypt,” which means both that you ought to respect the stranger because you were a stranger yourself and that you risk becoming one again someday. It is an ethical and a practical appeal—indeed, it is a contract, however implicit it might be. In short, the refusal of racism is the condition for all theoretical and practical morality because, in the end, the ethical choice commands the political choice, a just society must be a society accepted by all. If this contractual principle is not accepted, then only conflict, violence, and destruction will be our lot. If it is accepted, we can hope someday to live in peace. True, it is a wager, but the stakes are irresistible.

#### 3. We must prioritize social justice in educational spaces like debate

Giroux 08

Henry, prof in English and Cultural Studies at McMaster University Rethinking the Promise of Critical Education Under an Obama Regime Tuesday 02 December 2008

**What separates an authoritarian from an emancipatory notion of education is whether [it] or not education encourages** and enables students to deepen their **commitments to social justice,** equality and individual **and social autonomy, while** at the same time **expanding their capacities to assume public responsibility and actively participate in the very process of governing.** As a condition of individual and social autonomy, **education introduces democracy to students as** a way of life **- an ethical ideal that demands constant attention - and,** as such, **takes seriously the responsibility for providing the conditions for people to exercise critical judgment,** reflexiveness, deliberation **and socially responsible action.’ Education is always political because it is connected to the acquisition of agency**. **As a political project, education should illuminate the relationships among knowledge, authority and power.** It should also **draw attention to questions concerning who has control over the production of knowledge, values and skills**, and it should illuminate how knowledge, identities and authority are constructed within particular sets of social relations.In my view, **education is a deliberate attempt on the part of educators to influence how and what knowledge and subjectivities are produced within particular sets of social relations**.

### Intent Bad

#### No act-omission distinction specifically in this context – intent and means-based frameworks reflect privilege and decenter oppressed voices

Utt 13

Jamie is a writer and a diversity and inclusion consultant and sexual violence prevention educator, “Intent vs. Impact: Why Your Intentions Don’t Really Matter,” July 30, 2013

Imagine for a moment that you’re standing with your friends in a park, enjoying a nice summer day. You don’t know me, but I walk right up to you holding a Frisbee. I wind up – and throw the disc right into your face. Understandably, you are indignant. Through a bloody nose, you use a few choice words to ask me what the hell I thought I was doing. And my response? “Oh, I didn’t mean to hit you! That was never my intent! I was simply trying to throw the Frisbee to my friend over there!” Visibly upset, you demand an apology. But I refuse. Or worse, I offer an apology that sounds like “I’m sorry your face got in the way of my Frisbee! I never intended to hit you.” Sound absurd? Sound infuriating enough to give me a well-deserved Frisbee upside the head? Yeah. So why is this same thing happening all of the time when it comes to the intersection of our identities and oppressions or privileges? **Intent v. Impact** From Paula Deen to Alec Baldwin to your annoying, bigoted uncle or friend, we hear it over and over again: “I never meant any harm…” “It was never my intent…” “I am not a racist…” “I am not a homophobe…” “I’m not a sexist…” **I cannot tell you how often I’ve seen people attempt to deflect criticism about their oppressive language or actions by making the conversation about their intent. At what point does the “intent” conversation stop mattering so that we can step back and look at impact? After all, in the end, what does the intent of our action really matter if our actions have the impact of furthering the marginalization or oppression of those around us?** In some ways, this is a simple lesson of relationships. If I say something that hurts my partner, it doesn’t much matter whether I intended the statement to mean something else – because my partner is hurting. I need to listen to how my language hurt my partner. I need to apologize. And then I need to reflect and empathize to the best of my ability so I don’t do it again. But **when we’re dealing with the ways in which our identities intersect with those around us – and, in turn, the ways our privileges and our experiences of marginalization and oppression intersect – this lesson becomes something much larger and more profound.** This becomes **a lesson of justice.** What we need to realize is that **when it comes to people’s lives and identities, the impact of our actions can be profound and wide-reaching. And that’s far more important than the question of our intent. We need to ask ourselves what might be or might have been the impact of our actions or words. And we need to step back and listen when we are being told that the impact of our actions is out of step with our intents** or our perceptions of self.

Identity Privilege and Intent For people of identity privilege, this is where listening becomes vitally important, for **our privilege can often shield us from understanding the impact of our actions.** After all, as a person of privilege, **I can never fully understand the ways in which oppressive acts or language impact those around me**. What I surely can do is listen with every intent to understand, and I can work to change my behavior. Because **what we need to understand is that making the conversation about intent is inherently a privileged action.** The reason? **It ensures that you and your identity (and intent) stay at the center of any conversation and action while the impact of your action or words on those around you is marginalized.** So if someone ever tells you to “check your privilege,” what they may very well mean is: “**Stop centering your experience and identity in the conversation by making this about the intent of your actions instead of their impact**.” That is: Not everything is about you.

“What They Did” vs. “What They Are” The incredible Ill Doctrine puts it well when he explains the difference between the “What They Did” conversation and the “What They Are” conversation, which you can watch here. In essence, the “intent” conversation is one about “what they are.” Because if someone intended their action to be hurtful and racist/sexist/transphobic/pickyourpoison, then they must inherently be racist/sexist/transphobic/pickyourpoison. On the other hand, **the “impact” conversation** is one about “what they did.” For you, it **takes the person who said or did the hurtful thing out of the center and places the person who was hurt in the center. It ensures that the conversation is about how “what they did” hurts other people and further marginalizes or oppresses people.** And it’s important for people to understand the difference. Just because you did something sexist doesn’t mean that you are sexist. Just because you said something racist doesn’t mean that you are racist. When your actions are called into question, it’s important to recognize that that’s all that is being called into question – your actions, not your overall character. Listen. Reflect. Apologize. Do Better. It doesn’t matter whether we, deep down, believe ourselves to be \_\_\_\_\_\_\_\_\_\_-ist or whether we intended our actions to be hurtful or \_\_\_\_\_\_\_\_\_-ist. It.Doesn’t.Matter. If the impact of our actions is the furthering of oppression, then that’s all that matters. So we need to listen, reflect, apologize, and work to do better in the future. What does that look like? Well, to start, we can actually apologize. I don’t know about you, but I am sick of hearing the ““I am sorry your face got in the way of my Frisbee! I never intended to hit you” apologies. Whether it’s Paula Deen weeping on TV or Alec Baldwin asking us to simply trust that he’s not a “homophobe,” those are not apologies. That’s why I was incredibly inspired and relieved to see a major organization do it well when Kickstarter apologized and took full responsibility for their role in funding a creepy, rapey seduction guide. They apologized earnestly and accepted the role they played in something really terrible. hey pledged to never allow projects like this one to be funded in the future. And then they donated $25,000 to RAINN. At the interpersonal level, we can take a cue from Kickstarter. **When we are told that the impact of our action, inaction, or words is hurtful and furthers oppression, we can start by apologizing without any caveats. From there, we can spend the time to reflect in hopes of gaining at least some understanding (however marginal) of the harmful impact. And we can do our best to move forward by acting more accountably**.

### No Progress

#### No progress—black people have gone through slavery to Jim Crow to the prison industrial system—each time one issue dies down another one is created—the drug war may be going away now but the 1AC is new War on Guns

Engel ’14, (PAMELA ENGEL, “The Decline Of The War On Drugs, In One Map,” Apr. 3, 2014//FT)

The U.S. has been gradually moving away from the war on drugs, which started in the '70s and has led to prisons overflowing with drug offenders on long sentences. A map from Pew Research Center (see right) shows how states have overwhelmingly been easing drug laws over the past few years, even in traditionally conservative areas. Easing drug laws includes lowering penalties for drug possession charges, shortening mandatory minimums, and providing alternatives to the traditional criminal justice system such as drug courts. Many states were forced to cut their budgets after the economic collapse in 2008, so legislators eased drug laws in part to cut prison costs. And lately, reforming drug policy has been a bipartisan effort. Attitudes of Americans have also shifted in recent years — in a Pew study, 67% of people said government should focus more on treating people who use illegal drugs, and only 26% said prosecution should be the focus. This differs drastically from 25 years ago, when Americans thought law enforcement should be tough on drug offenders and 73% of Americans favored a mandatory death penalty for "major drug traffickers. By many accounts, the war on drugs has been a failure. It has cost the U.S. more than $1 trillion and drugs are no less prevalent today than they were when the drug war started.

### Militarism

#### Turns militarism

Rodriguez 9 (Dylan Rodríguez is Professor and Chair of the Department of Ethnic Studies at UC Riverside, where he began his teaching career in 2001. He received his Ph.D. and M.A. degrees in Ethnic Studies from the University of California, Berkeley, and earned two B.A. degrees and a Concentration degree from Cornell University. He was nationally recognized by Diverse magazine as one of its Emerging Scholars of 2006, and has been a Ford Foundation Predoctoral and Postdoctoral Fellow, “The Terms of Engagement: Warfare, White Locality, and Abolition,” Critical Sociology 36(1) 151-173, 2009, P. Sage//DN)

Domestic warfare has thus become both the common language and intensely materialized modality of the US state. While this form of legitimated state violence certainly predates Reagan’s ‘war on drugs’ and his/its inheritors, **the scope** and depth **of domestic warmaking seems to be mounting** with a peculiar urgency in our historical moment. To take former NYPD and current LAPD ChiefWilliam Bratton on the strength of his own words, **the primary work of the police is to engage aggressively in ‘the internal war on terrorism’** (Garvey and Winton 2002), which in these times entails everything from record-breaking expansions of urban police forces (McGreevy 2007), to cross-party consensus in legislating state offensives against criminalized populations of choice (Rau 2007) and the reshuffling of administrative relationships between the militarized and juridical arms of local and federal government to facilitate the state’s various localized ‘wars on gangs’ (McGreevy and Winton 2007). **This** modality of **domestic warmaking** also, crucially, **entails the discursive innovations of an emergent multiculturalist white supremacy**, wherein authoritative embodiments of the ‘new’ post-civil rights racist state smoothly recapitulate the a priori of the nation-building project. Barack **Obama**’s now notorious 2008 Father’s Day speech at the Apostolic Church of God in Chicago, in which he scolded and cajoled ‘black fathers’ for ‘acting like boys instead of men’ and rendering ‘the foundations of our families … weaker’, also **encompassed a** back-door (and largely unnoticed) **pledge of allegiance to the law-and-order state**: ‘Yes, **we need more cops** on the street. Yes, we need **fewer guns in the hands of people** who shouldn’t have them.’ (Obama 2008) Crucially, **Obama obtained an enthusiastic round of applause from his** ostensibly **progressive black audience** on all rhetorical counts. It is in this context that we can urgently assume the political burden of **critically assessing** the work of progressive USA-based community and non-profit organizations, grass roots movements, and issue-based campaigns: that is, **if** critical scholars, progressive and radical scholar activists, and **antiviolence movements are to take the state’s** own **language of** domestic **warfare seriously, what are they to make of the political**, ideological, institutional, and financial relationships that progressive movements, campaigns, and organizations are creating in (uneasy) **alliance with the state’s vast architectures of war**? **Under what** conditions and **sets of assumptions are** progressive **activists**, organizers, and scholars **able to** so militantly **oppose the proliferation of American state violence in other parts of the world, while tolerating the everyday and nearby state violence of US policing, criminal law, and low-intensity genocide?**

### Protection

#### Crime is soaring, stats show more black people want protection.

Will Bunch *Should more black people carry guns?* Senior writer at Philadelphia Daily News Thursday, April 2, 2015

After crime soared in the 1970s, '80s and '90s, many leaders in the black community shared a common political goal -- getting guns off the street. Philadelphia's current [Mayor Nutter could be a poster child for that movement](http://www.phillymag.com/news/2014/04/17/mayor-nutter-joins-anti-gun-coalition/) -- throughout his two terms, Nutter has traded barbs with the NRA, called for a renewed ban on assault rifles, and led anti-gun coalitions. His views were shared by rank-and-file city voters. But after decades of failed efforts to enact saner gun laws, the mood is changing. There's mounting evidence that African-Americans are embracing gun ownership. [A national poll published in December by the Pew Research Center](http://www.people-press.org/2014/12/10/growing-public-support-for-gun-rights/)chronicled this stunning change in attitudes. It reported: "Currently, **54% of blacks say gun ownership does more to protect people than endanger personal safety,** nearly double the percentage saying this in December 2012 (29%)." Indeed, the massive and swift flip in black opinion was a key reason why for the first time over Americans overall support gun rights over so-called gun control. I first heard of the Pew findings today in [a broader NPR story about black gun ownership](http://www.npr.org/2015/04/02/396869889/more-african-americans-support-carrying-legal-guns-for-self-defense). Their piece quoted Detroit's African-American police chief, James Craig, as an example of changing opinions; he said **gun ownership by law-abiding black citizens could be a strategy for dealing with slow police response times in poorly served, high-crime neighborhoods.** It's the argument, basically, that the NRA has been putting out there for years -- just now reaching a new populations.

### Genocide

#### Prisons are fundamental to and indispensable to global racialized violence – it causes a dehumanization and authorization of violence that makes all violence permissible

Rodríguez 7

Professor and Chair of Ethnic Studies @ UC Riverside [Dr. Dylan Rodríguez, “American Globality and the US Prison Regime: State Violence and White Supremacy from Abu Ghraib to Stockton to Bagong Diwa,” Kritika Kultura 9 (2007): pg. 22-48

To consider the US prison as a global practice of dominance, we might begin with the now-indelible photo exhibition of captive brown men manipulated, expired, and rendered bare in the tombs of the US-commandeered Abu Ghraib prison: here, I am concerned less with the idiosyncrasies of the carceral spectacle (who did what, administrative responsibilities, tedium of military corruption and incompetence, etc.) than I am with its inscription of the where in which the worst of US prison/state violence incurs. **As the bodies** of tortured prisoners in this **somewhere else**, that is, beyond and outside the formal national domain of the United States, have **become the** hyper-visible **and accessible raw material for a** global **critique of the US state**—with Abu Ghraib often serving as the signifier for a generalized mobilization of sentiment against the American occupation—**the intimate and proximate bodies of those locally and intimately** imprisoned **within the localities of the U**nited **S**tates constantly threaten to disappear **from** the **political and moral registers** of US civil society, its resident US Establishment Left, and perhaps most if not all elements of the global Establishment Left, which includes NGOs, political parties, and¶ sectarian organizations. I contend in this essay that **a new theoretical framing is required** to critically address (and correct) the artificial delineation of the statecraft of Abu Ghraib prison, and other US formed and/or mediated carceral sites across the global landscape, as somehow unique and exceptional to places outside the US proper. In other words, **a genealogy** and social theory **of US state violence** specific to the regime of the prison **needs to be** delicately **situated within** the ensemble of institutional relations, **political intercourses, and historical conjunctures** that precede, produce, and sustain places like the Abu Ghraib prison, and can therefore only be adequately articulated as a genealogy and theory of the allegedly “domestic” US prison regime’s “globality” (I will clarify my use of this concept in the next part of this introduction). Further, **in offering this** initial attempt at such a **framing**, **I am suggesting a genealogy** of US state violence **that** can more sufficiently **conceptualize the logical continuities and material articulations between** a) the ongoing projects of **domestic warfare** organic to the white supremacist US racial state, **and** b) **the array of “global”** (or extra-domestic) **technologies of violence** that form the premises of possibility for those social formations and hegemonies integral to the contemporary moment of US global dominance. In this sense, **I am amplifying the capacity of the US prison to** inaugurate **technologies of** power that exceed its nominal relegation to the domain of the criminal juridical. **Consider imprisonment**, then, **as a practice of social ordering and geopolitical power**, **rather than as a self-contained** or foreclosed jurisprudential **practice**: therein, **it is possible to reconceptualize the significance of the** Abu Ghraib **spectacle as** only one signification of a regime of dominance **that is neither** (simply) **local nor** (erratically) **exceptional, but is simultaneously mobilized, proliferating, and global**. The overarching concern animating this essay revolves around the peculiarity of US global dominance in the historical present: that is, given the geopolitical dispersals and dislocations, as well as the differently formed social relations generated by US hegemonies across sites and historical contexts, what modalities of “rule” and statecraft give form and coherence to the (spatial-temporal) transitions, (institutional-discursive) rearticulations, and (apparent) novelties of “War on Terror” neoliberalism? Put differently, what technologies and institutionalities thread between forms of state and state-sanctioned dominance that are nominally autonomous of the US state, but are no less implicated in the global reach of US state formation? The intent of this initial foray into a theoretical project that admittedly exceeds the strictures of a self-contained journal article is primarily suggestive: on the one hand, I wish to examine how the institutional matrix and technological module of **the US prison regime** (a concept I will develop in the next section of the essay) **is a programmatic** (**that is, strategic and structural rather than** conspiratorial or **fleeting)** **condensation of** specific formations **of racial and white supremacist state violence** and is produced by the twinned, simultaneous logics of social ordering/disruption (e.g. the prison as both and at once the exemplar of effective “criminal justice” law-and-order and culprit in the mass-based familial and community disruption of criminalized populations). On the other hand, I am interested in considering how the visceral and institutionally abstracted logic of bodily domination that materially forms and reproduces the regime of **the American prison is** fundamental**, not ancillary, to US state-mediated, state-influenced, and state-sanctioned methods of legitimated “local” state violence** across the global horizon. To put a finer edge on this latter point, **it is worth noting that** given the plethora of **scholarly and activist engagements** with US global dominance that has emerged in recent times, and the subsequent theoretical nuance and critical care provided to treatments of (for example) US corporate capital, military/warmaking capacity, and mass culture, relatively little attention has been devoted to the constitutive role of the US prison in articulating the techniques, meanings, and pragmatic forms of state-building within post-1990s social formations, including those of the US’s ostensible peer states, as well as places wherein militarized occupation, postcolonial subjection, and proto-colonial relations overdetermine the ruling order. In place of considering the US prison as a dynamic, internally complex mobilization of state power and punitive social ordering, such engagements **tend to treat the prison as** if it were, for the most part, a **self-evident outcome or** exterior symptom of domination rather than a central, interior facet **of how domination is itself conceptualized and produced.** In this meditation **I am concerned with the integral role of the US prison regime in the material/cultural production of “American globality.”** In using this phrase I am suggesting a process and module of state power that works, moves, and deploys in ways distinct from (though fundamentally in concert with) American (global) “hegemony,” and inaugurates a geography of biopolitical power more focused than common scholarly cartographies of American “empire.” For my purposes, **American globality refers to the** postmodern **production of US state and state-sanctioned technologies of human and ecological domination**—most frequently **formed through** overlapping and interacting **regimes of** profound bodily violence, including genocidaland protogenocidal **violence,** warmaking**, racist and** white supremacist **state violence, and** mass-scaled imprisonment— **and the capacity of these forms of domination to be mobilized across** political geographies **all over the world, including by governments and states that are nominally autonomous of the U**nited **S**tates. American globality is simultaneously a vernacular of institutional power, an active and accessible iteration of violent human domination as the cohering of sociality (and civil society) writ large, and a grammar of pragmatic immediacy (in fact, urgency) that orders and influences statecraft across various geographies of jurisdiction and influence. It is in this sense of globality as (common) vernacular, (dynamic, present tense) iteration, and (disciplining) grammar that the current formation of global order is constituted (obviously) by the direct interventions of the US state and (not as obviously) by the lexicon (as in the principles governing the organization of a vocabulary) of US statecraft. American globality infers how the US state conceptualizes its own power, as well as how these conceptualizations of power and American state formation become immediately useful to—and frequently, structurally and politically overbearing on—other state formations and hegemonies. **The prison regime**, in other words, **is indisputably** organic to the lexicon of the US state, and is thus productive of American globality**, not a by-product** **or reified outcome of it.** In the remainder of this essay, I raise the possibility that **the US conceptualization of the prison as a peculiar mobilization of power and domination is**, in the historical present, **central to how states, governments, and social orderings all over the world are formulating their own responses to the political, ecological, and social crises** of neoliberalism, warfare, and global white supremacy. Pg. 22-25

### Slavery

#### The modern prison-industrial complex is an outgrowth of slavery’s abolition

Spade 12 (Dean Spade ‘12, Berkeley Law Review, The Circuit, “The Only Way to End Racialized Gender Violence in Prisons is to End Prisons: A Response to Russell Robinson's ‘Masculinity as Prison’” December 2012 <http://scholarship.law.berkeley.edu/clrcircuit/4>)

I. Punishment and the State Administration of Race and Gender Angela **Davis** has **described** the historical trajectory that **formed the criminal punishment system as a response to the formal abolition of slavery**. As she and others have pointed out, **the Thirteenth Amendment's abolition of involuntary servitude includes a very important caveat: "except as punishment for crime whereof the party shall have been duly convicted**." Davis describes how, in the years following the abolition of slavery, **southern prisons drastically expanded and went from being almost entirely white to primarily imprisoning Black people**. New laws were passed—the **Black Codes**—that **criminalized an extensive range of behaviors and statuses, such as being unemployed or disobeying an employer, solely where the accused was black**. These **legal schemes permitted the capture of newly freed slaves into an only somewhat different system of forced labor, control, and racial violence**. **The nature of imprisonment changed** during this time. **Prisons adopted methods of punishment common to slavery, such as whipping, and implemented the convict leasing system that allowed former slave owners to lease the labor of prisoners, who were** forced to work under conditions **many have suggested were** even more violent than **those of** slavery. In 1873, 25 percent of all black convicts who were leased died; in 1898, nearly 73 percent of total revenue in Alabama came from convict labor. **People were literally captured and worked to death, providing cheap labor for white landowners and revenue for states**. **The contemporary criminal punishment system developed from this adaptation of slavery to create a somewhat different racially targeted form of control and exploitation**. The continuation of those tactics can be seen in the prison system's contemporary operations. As Davis asserts, Here **we have a penal system that was racist in many respects— discriminatory arrests and sentences, conditions of work, modes of punishment** . . . . The persistence of the prison as the main form of punishment, with **its racist and sexist dimensions, has created this historical continuity between the nineteenth**- and early-twentieth-century convict lease system **and the privatized prison business today**. **While the convict lease system was legally abolished, its structures of exploitation have reemerged in the patterns of privatization**, and, more generally, in the wide-ranging corporatization of punishment that has produced a prison industrial complex. This **analysis of** the origins of imprisonment helps us understand **imprisonment itself as racialized violence**. **Punishment and imprisonment were and are co-constitutive in the United States with processes of racialization**. **Today punishment systems** **are rationalized as race-neutral institutions for determining and punishing individual culpability, but such assertions** **are laughable in the face of the severe and obvious targeting of people of color in every aspect of policing, pre-trial imprisonment, prosecution, sentencing, imprisonment, probation, and parole**. More than **60 percent of the people in prison are people of color**, and one in every ten Black men age 30-39 is in prison or jail. Black youth are 16 percent of the youth population, but 28percent of juvenile arrests, 37 percent of the youth in juvenile jails, and 58 percent of the youth sent to adult prisons. **There are countless other statistics that demonstrate the racialized targeting of criminal punishment that is endemic to its formation and operation in the United States**. **The criminal punishment system in the United States, the most imprisoning country on Earth, is justified by the idea that it contains and neutralizes dangerous law-breakers. In reality, race, not dangerousness or illegal action, determines who is imprisoned**. **US prisons are full of low-income people and people of color who were prosecuted for crimes of poverty and minor drug use. Racist tropes of Black dangerousness that have been a central part of US culture since slavery are invoked and mobilized in media to justify and normalize the continuing expansion of criminalization and imprisonment**. **Scholars consistently expose the disconnect between the myth that criminal punishment is focused on public safety and the reality that it operates as targeted racial violence**.

### Trans Violence

#### The PIC causes mass violence towards trans bodies

Bevensee, 14 - white (passing), queer, gender-queer, transwoman, MA degree at The School for International Training with a focus in Conflict Transformation, research and writing in addition to on the ground allyship and direct action organizing mostly around the intersectionality of race, gender, sexuality, capitalism, colonialism, and the PIC, restorative justice and other conflict mediation strategies, has lectured in multiple graduate level classes, spoken on professional panels, and organizes/ facilitates a wide variety of trainings (Emmi, “Transwomen, the Prison-Industrial Complex, and Human Rights: Neoliberalism and Trans-Resistance,” The School for International Training Edited by Emma Buck and Khalil Sullivan, Received December 2013; Accepted March 2014, http://societieswithoutborders.files.wordpress.com/2014/04/bevensee-final.pdf)//HAL

When transwomen are incarcerated in men's prisons, atrocities against them often become commonplace. An example of these atrocities is that, if they are not placed in solitary confinement or isolation (as is the norm) in order to protect (punish) them, transwomen are sometimes “pimped” by corrections officers to their assigned “husbands” in order to quell rebellions (Captive Genders 2011:222). The “husbands” are often an owner of all aspects of the trans women's bodies and livelihood in prison. These transwomen are usually, in these cases, assigned to share a cell with this person and ignored when the basically inevitable forms of assault occur. Cases of rape both by inmates and by correctional officers against transwomen are common and retributive policies are rarely enforced (Captive Genders 2011: 223; Spade 2011:89). This type of policy shows how trans rights in prison are not even at the level of of “human” rights. These behaviors demarcate trans bodies as sub-human and thus deserving of less than human conditions. This tactic of dehumanization is one the oldest strategies of colonization of those deemed to be the “Other” in a project of domination.

## Alternative

### Pedagogy

#### Voting negative is a pedagogical act. Your ballot contributes to a larger continuum of liberation movements that are not constrained by what is “practical” or “possible.” A radical break from the prison is prior to any other question---policy changes need to be put on the backburner. As teachers you are obligated to betray the modern technologies of genocide management present in the prison.

Rodríguez 10

(Dylan, Professor and Chair of the Department of Ethnic Studies at UC Riverside, “The Disorientation of the Teaching Act: Abolition as Pedagogical Position,” Radical Teacher, Number 88, Summer 2010, Project MUSE)//a-berg

Finally, the horizon of the possible is only constrained by one’s pedagogical willingness to locate a particular political struggle (here, prison abolition) within the long and living history of liberation movements. In this context, “prison abolition” can be understood as one important strain within a continuously unfurling fabric of liberationist political horizons, in which the imagination of the possible and the practical is shaped but not limited by the specific material and institutional conditions within which one lives. It is useful to continually ask: on whose shoulders does one sit, when undertaking the audacious identifications and political practices endemic to an abolitionist pedagogy? There is something profoundly indelible and emboldening in realizing that one’s “own” political struggle is deeply connected to a vibrant, robust, creative, and beautiful legacy of collective imagination and creative social labor (and of course, there are crucial ways of comprehending historical liberation struggles in all their forms, from guerilla warfare to dance). While I do not expect to arrive at a wholly satisfactory pedagogical endpoint anytime soon, and am therefore hesitant to offer prescriptive examples of “how to teach” within an abolitionist framework, I also believe that rigorous experimentation and creative pedagogical radicalism is the very soul of this praxis. There is, in the end, no teaching formula or pedagogical system that finally fulfills the abolitionist social vision, there is only a political desire that understands the immediacy of struggling for human liberation from precisely those forms of systemic violence and institutionalized dehumanization that are most culturally and politically sanctioned, valorized, and taken for granted within one’s own pedagogical moment. To refuse or resist this desire is to be unaccountable to the historical truth of our moment, in which the structural logic and physiological technologies of social liquidation (removal from or effective neutralization within civil society) have merged with history’s greatest experiment in punitive human captivity, a linkage that increasingly lays bare racism’s logical outcome in genocide.[18](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f18) Abolitionist Position and Praxis Given the historical context I have briefly outlined, and the practical-theoretical need for situating an abolitionist praxis within a longer tradition of freedom struggle, I contend that there can be no liberatory teaching act, nor can there be an adequately critical pedagogical practice, that does not also attempt to become an abolitionist one. Provisionally, I am conceptualizing abolition as a praxis of liberation that is creative and experimental rather than formulaic and rigidly programmatic. Abolition is a “radical” political position, as well as a perpetually creative and experimental pedagogy, because formulaic approaches cannot adequately apprehend the biopolitics, dynamic statecraft, and internalized violence of genocidal and proto-genocidal systems of human domination. As a productive and creative praxis, this conception of abolition posits the material possibility and historical necessity of a social capacity for human freedom based on a cultural-economic infrastructure that supports the transformation of oppressive relations that are the legacy of genocidal conquest, settler colonialism, racial slavery/capitalism,[19](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f19) compulsory hetero-patriarchies, and global white supremacy. In this sense, abolitionist praxis does notsingularly concern itself with the “abolition of the prison industrial complex,” although it fundamentally and strategically prioritizes the prison as a central site for catalyzing broader, radical social transformations. In significant part, this suggests envisioning and ultimately constructing “a constellation of alternative strategies and institutions, with the ultimate aim of removing the prison from the social and ideological landscape of our society.”[20](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f20) In locating abolitionist praxis within a longer political genealogy that anticipates the task of remaking the world under transformed material circumstances, this position refracts the most radical and revolutionary dimensions of a historical Black freedom struggle that positioned the abolition of “slavery” as the condition of possibility for Black—hence “human”—freedom. To situate contemporary abolitionism as such is also to recall the U.S. racist state’s (and its liberal allies’) displacement and effective political criminalization of Black radical abolitionism through the 13th Amendment’s 1865 recodification of the slave relation through the juridical reinvention of a racial-carceral relation: Given the institutional elaborations of racial criminalization, policing, and massive imprisonment that have prevailed on the 13th Amendment’s essential authorization to replace a regime of racist chattel slavery with racist carceral state violence, it is incumbent on the radical teacher to assess the density of her/his entanglement in this historically layered condition of [End Page 15] violence, immobilization, and capture. Prior to the work of formulating an effective curriculum and teaching strategy for critically engaging the prison industrial complex, in other words, is the even more difficult work of examining the assumptive limitations of any “radical pedagogy” that does not attempt to displace an epistemological and cultural common sense in which the relative order and peace of the classroom is perpetually reproduced by the systemic disorder and deep violence of the prison regime. In relation to the radical challenging of common sense discussed above, another critical analytical tool for building an abolitionist pedagogy entails the rigorous, scholarly dismantling of the “presentist” and deeply ahistorical understanding of policing and prisons. Students (and many teachers) frequently enter such dialogues with an utterly mystified conception of the policing and prison apparatus, and do not generally understand that 1) these apparatuses in their current form are very recent creations, and have not been around “forever”; and 2) the rise of these institutional forms of criminalization, domestic war, and mass-scale imprisonment forms one link in a historical chain of genocidal and proto-genocidal mobilizations of the racist state that regularly take place as part of the deadly global process of U.S. nation-building. In other words, not only is the prison regime a very recent invention of the state (and therefore is neither a “permanent” nor indestructible institutional assemblage), but it is institutionally and historically inseparable from the precedent and contemporaneous structures of large-scale racist state violence. Asserting the above as part of the core analytical framework of the pedagogical structure can greatly enable a discussion of abolitionist possibility that thinks of the critical dialogue as a necessary continuation of long historical struggles against land conquest, slavery, racial colonialism, and imperialist war. This also means that our discussions take place within a longer temporal community with those liberation struggles, such that we are neither “crazy” nor “isolated.” I have seen students and teachers speak radical truth to power under difficult and vulnerable circumstances based on this understanding that they are part of a historical record. I have had little trouble “convincing” most students—across distinctions of race, class, gender, age, sexuality, and geography—of the gravity and emergency of our historical moment. It is the analytical, political, and practical move toward an abolitionist positionality that is (perhaps predictably) far more challenging. This is in part due to the fraudulent and stubborn default position of centrist-to-progressive liberalism/reformism (including assertions of “civil” and “human” rights) as the only feasible or legible response to reactionary, violent, racist forms of state power. Perhaps more troublesome, however, is that this resistance to engaging with abolitionist praxis seems to also derive from a deep and broad epistemological and cultural disciplining of the political imagination that makes liberationist dreams unspeakable. This disciplining is most overtly produced through hegemonic state and cultural apparatuses and their representatives (including elected officials, popular political pundits and public intellectuals, schools, family units, religious institutions, etc.), but is also compounded through the pragmatic imperatives of many liberal and progressive nonprofit organizations and social movements that reproduce the political limitations of the [End Page 16] nonprofit industrial complex.[22](http://muse.jhu.edu/journals/radical_teacher/v088/88.rodriguez.html#f22) In this context, the liberationist historical identifications hailed by an abolitionist social imagination also require that such repression of political-intellectual imagination be fought, demystified, and displaced. Perhaps, then, there is no viable or defensible pedagogical position other than an abolitionist one. To live and work, learn and teach, and survive and thrive in a time defined by the capacity and political willingness to eliminate and neutralize populations through a culturally valorized, state sanctioned nexus of institutional violence, is to better understand why abolitionist praxis in this historical moment is primarily pedagogical, within and against the “system” in which it occurs. While it is conceivable that in future moments, abolitionist praxis can focus more centrally on matters of (creating and not simply opposing) public policy, infrastructure building, and economic reorganization, the present moment clearly demands a convening of radical pedagogical energies that can build the collective human power, epistemic and knowledge apparatuses, and material sites of learning that are the precondition of authentic and liberatory social transformations. The prison regime is the institutionalization and systemic expansion of massive human misery. It is the production of bodily and psychic disarticulation on multiple scales, across different physiological capacities. The prison industrial complex is, in its logic of organization and its production of common sense, at least proto-genocidal. Finally, the prison regime is inseparable from—that is, present in—the schooling regime in which teachers are entangled. Prison is not simply a place to which one is displaced and where one’s physiological being is disarticulated, at the rule and whim of the state and its designated representatives (police, parole officers, school teachers). The prison regime is the assumptive premise of classroom teaching generally. While many of us must live in labored denial of this fact in order to teach as we must about “American democracy,” “freedom,” and “(civil) rights,” there are opportune moments in which it is useful to come clean: the vast majority of what occurs in U.S. classrooms—from preschool to graduate school—cannot accommodate the bare truth of the proto-genocidal prison regime as a violent ordering of the world, a primary component of civil society/school, and a material presence in our everyday teaching acts. As teachers, we are institutionally hailed to the service of genocide management, in which our pedagogical labor is variously engaged in mitigating, valorizing, critiquing, redeeming, justifying, lamenting, and otherwise reproducing or tolerating the profound and systemic violence of the global-historical U.S. nation building project. As “radical” teachers, we are politically hailed to betray genocide management in order to embrace the urgent challenge of genocide abolition. The short-term survival of those populations rendered most immediately vulnerable to the mundane and spectacular violence of this system, and the long-term survival of most of the planet’s human population (particularly those descended from survivors of enslavement, colonization, conquest, and economic exploitation), is significantly dependent on our willingness to embrace this form of pedagogical audacity.

### Radicalism Good

#### CJS pragmatism is worse than the squo—liberal decarceration prevented moratoriums on prisons. AND it produces a more retributive system under the guise of alternatives

Ben-Moshe 11, Liat, "Genealogies of Resistance to Incarceration: Abolition Politics within Deinstitutionalization and Anti -Prison Activism in the U.S." (2011). Sociology - Dissertations. Paper 70 p230-2

Canadian abolitionist Ruth Morris (1995) critiques the attrition model by asserting that it is indeed an aggressive reform effort, but a reform nonetheless. The point is to decarcerate prison populations one by one first the young, then the mentally ill and so on. The problem of chipping at the margins of the system is that the center remains intact. Some components of the attrition model call for a moratorium on prison construction until full utilization of alternatives to incarceration is achieved, as advocated by the National Council on Crime and Delinquency in 1972. According to Morris (1995) the moratorium on prison construction failed due partially to the reform efforts of liberals who saw the worsening conditions of current jail and prison cells and wanted to do something about it. Decarceration and excarceration led to deepening a retributive system in programs now billed as alternatives to incarceration, such as boot camps and parole sanctions. As to the dangerous few, they seem to scare even the most radical of activists so that there has not been a cohesive plan as to what do to with them or how to identify them. With a traitorous past, “humane restraint/ segregation” seems to Morris to be as scary an answer as a prison sentence. Another reason why attrition or gradual approaches to prison abolition does not work, according to Morris, is that our fallback position, socially, is punitive. Morris refers to this as “penaholism,” in which penality and vengeance will always take center stage, even when there are other so called alternatives, as they will just be folded into the current framework. Morris suggests moving into transformative justice approaches (discussed further in the next section), although some in the prison abolition movement believe this approach to be utopian and unrealistic. Claire Culhane, who was a leading prison abolitionist and prisoners‟ rights advocate, believes that the best way for abolition to occur is not by a trickle but by a total attack on the system, including tactics like civil disobedience. Although she is not completely opposed to the attrition model suggested by Honey Knopp et al., she alerts activists to the ways in which taking prisoners out one group at a time becomes a diluted and often counterproductive strategy, especially when it is co opted by the state (Morris 1989). American Friends Service Committee offers a long term agenda against which incremental solutions can be tested, as gradual steps can be co opted or reversed by the system if an abolitionary horizon is not part of the implementation.

## Framework

### AT: Policy

#### Overfocus on state & process details is a link – makes debate a game of administrative tinkering that re-entrenches the prison-industrial complex

Murakawa 14, (2014, Naomi Murakawa is an Associate Professor Center for African American Studies, “First Civil Right: How Liberals Built Prison America.” ProQuest ebrary)

The history of liberal law-and-order matters because the same proposals for better administration, proffered with the same good intentions, are likely to reproduce the same monstrous outcomes in the twenty-first century. The problems of a normatively untethered liberal law-and-order regime are clear in the arc of liberal positions on judicial discretion. Mid-century liberals viewed discretion as dangerous individualized justice, tailored to each defendant from each judge’s moral cloth in all its idiosyncratic textures. Judicial discretion lurked in law’s “twilight zone,” dispensing what Judge Marvin Frankel called “law without order.” Liberal fear of discretion endured through the mid-1980s, when one could easily characterize the “mainstream liberal thought” as unambiguously opposed to discretionary administrative interpretation and implementation. 15 With the rise of sentencing guidelines and mandatory minimums through the 1980s and 1990s, however, liberals called for more judicial discretion by praising that which they previously reprimanded— justice customized to each individual defendant. 16 As a project to control the irrationalities of racial bias and administrative discretion, liberal law-and-order ignored empirical lessons and displaced normative questions. Reformers invoked the promises and perils of “discretion” while ignoring the central findings of research. The American Bar Foundation’s 1957 survey and the myriad studies it inspired analyzed discretion within the “total criminal justice system.” As a system, carceral machinery is not easily corrected by small administrative adjustments: tighten discretion in one place, and the criminal justice system “accommodates,” to use the original language of the ABF studies, so that discretion simply becomes more important for a different decision maker. Accommodation is evident of sentencing guidelines and mandatory minimums, which diminished judicial discretion but effectively increased prosecutorial discretion. When situated with a total system approach, the “amount” of discretion has neither increased nor decreased, concludes Samuel Walker; it has simply moved from one agency to another. 17 Administrative tinkering does not confront the damning features of the American carceral state, its scale and its racial concentration, which, when taken together reinforce and raise African American vulnerability to premature death. By focusing on the intra-system problems of “discretion,” lawmakers displaced questions of justice onto the more manageable, measurable issues of system function. When framed as a problem of discretion— that is, individual decision making permissible by formal rules— then solutions to racial inequality double back to individual administrators and their institutional rules. In this sense, problematizing discretion forces questions of remediation onto sanitary administrative grounds. Should judges be elected or appointed? Should judges administer justice through sentencing guidelines? No guidelines and some mandatory minimums? No mandatory minimums and only mandatory maximums? Will judges or parole boards select the final release date? These questions matter, but they cannot replace clear commitments to racial justice. When they are posed independently of normative goals, process becomes the proxy, not the path, to justice. Without a normatively grounded understanding of racial violence, liberal reforms will do the administrative shuffle. This book traced a stark half-century turn from confronting white racial violence administered and enabled by carceral apparatuses, to controlling black criminality through a procedurally fortified, race-neutral system. Race liberals institutionalized the “right to safety” while skirting its animating call against state-sanctioned white violence. Fixation on administrative minutiae distracted from the normative core of punishment in a system of persistent racial hierarchy. Unlike administrative tinkering, reforms for decriminalization and decarceration would push debates to their normative core: what warrants punishment, in what form, and why? 18 In place of liberal searches for the ideal procedural path to life incarceration, metrics of racial justice should focus on what Ruth Wilson Gilmore calls “the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death.” 19 Seeing racism as “group-differentiated vulnerabilities to premature death” gives proper context to acts of violence between individuals. If we situate private violence in relation to group-differentiated reality, we begin to see the tight weave of state and private racial violence. An example often mobilized to repressive ends is the fact that most crimes occur within rather than between racial groups, such that African Americans, Latinos, and Native Americans confront high incarceration rates and high victimization rates. This is the complex story of the U.S. racial state, where normal institutional and ideological processes perpetuate the multigenerational transmission of accumulated advantage and accumulated disadvantage. 20 Accumulated advantage imparts a presumption of innocence; inherited wealth enables home ownership in class-segregated areas (i.e., “a safe neighborhood”) and medical insurance for diagnosis of conditions and coverage of various prescriptions such as Ritalin (i.e., more effective forms of meth). In contrast, accumulated disadvantage imparts a presumption of guilt.

### AT: CTP/Tangible/etc.

#### Our strategy does not preclude political demands—we avoid legal dogmatism while engaging politics through bottom-up participatory approaches—that’s the best middle ground

Spade 10 (Dean Spade is an assistant professor at Seattle University School of Law. Columbia Journal of Gender and Law, 19 Colum. J. Gender & L. 1086)

Similar racial- and economic-justice centered critiques have been made regarding hate crimes laws and anti-discrimination laws sought by some trans activists. Critics have observed that both of these legislative reforms have demonstrated little impact on the violence and discrimination that plague trans populations, yet both add to the illusion of a neutral state that protects trans people, meanwhile state institutions remain the most common perpetrators of violence and discrimination against trans people. Critics have further argued that hate crimes legislation, in particular, is part of a larger trend of expanding criminalization and imprisonment that takes up transphobic violence as an opportunity to expand the criminal punishment system, meanwhile that system is a central location of racialized and gendered violence and harm for marginalized populations like trans people. 18 These interventions, then, do not get at the root causes of trans unemployment, poverty, homelessness and imprisonment, are not proven to prevent harm against trans people, but do legitimize harmful and violent criminal punishment and economic systems by adding a window dressing of fairness and neutrality. This kind of analysis of the limits of rights discourse and the ways that rights discourse in social movements tends to reproduce race, class, ability, immigration and gender divisions is visible across many contemporary social movements. The emergence of "reproductive justice," "food justice," and "environmental justice" frameworks indicate this kind of critical engagement. In each of these instances, the addition of "justice" indicates a critique of narrower framings and an analysis of the issues in question that centers racial and economic justice. [\*1097] Reproductive justice is a women-of-color-centered response to white feminist articulations of reproductive rights that have centered the experiences of white women with pro-natalist US policy and culture while ignoring how women of color have been targeted for forced sterilization and removal of children by child welfare systems. Reproductive justice activists have questioned the narrow focus on abortion rights and the "choice" framework, providing a broader understanding of what poor women, immigrant women, women with disabilities and women of color need in order to have meaningful self-determination in all areas related to sexuality, family, pregnancy, childbirth, and abortion. As a result, the framing of reproductive justice includes attention to economic disparity, white supremacy, labor, and health care access and centers attention to state violence. 19 The demands of such a framework are far broader than an individual "right to choose" to terminate pregnancy and instead encompass questions of distribution of wealth and life chances. This "justice" framework, increasingly suggested by movements demanding that white supremacy and wealth disparity be at the center of analysis of social justice issues, necessarily include a critique of legal rights strategies. They demonstrate how in various realms, narrow single issues articulated as legal rights often offer little to those facing the most dire conditions and often divide constituencies along lines of race and class since race and class correlate to ability to avail oneself of legal rights and to vulnerability to state violence. Rights claims articulated through American law inevitably inherit the limitations and relationships that stem from American law's basis in genocide and slavery and role in maintaining relations of white supremacy, exploitation, heteropatriarchy and warfare. Many scholars, activists and organizations are discussing and experimenting with how to create trans political resistance centered in racial and economic justice that understands the crucial relationship between law reform and the maintenance of systems of subjection. Many are raising questions about the proper role of lawyers and law reform in trans struggles that have demands that exceed formal legal [\*1098] equality. With a critical analysis of universal rights frameworks accompanied by an understanding of the crucial role of legal systems in producing violence and shortened life spans for trans populations, we come to understand the careful attention and continued evaluation that is needed to discern when law reform work makes sense as a tactic and when it presents significant dangers. A few questions are useful to ask as part of this assessment. First, will this reform work yield actual improvement to the conditions of the lives of vulnerable trans people? This question helps avoid taking on law reform work that is merely symbolic, changing what the law says about us and legitimizing its operation, but having no actual impact on conditions of harm and violence and the immediate needs of trans people. Second, does this reform compromise one part of the constituency for the benefit of another? This question can help us avoid taking up work where we seek change that benefits only those with particular kinds of privilege, or where we affirm or build systems that are targeting some of us because we want those systems to include or recognize others of us. Third, to what degree does this reform legitimize or build the capacity of violent systems? This question, considered with the rest, helps us to assess whether our work is helping dismantle systems that we think are fundamentally harmful such as criminal punishment and immigration enforcement systems while making incremental reforms or whether it is strengthening them and how our understanding of that strengthening or dismantling relates to the other criteria. It helps us remember to ensure that the reform strategy moves us toward our long-term goals, which is especially important because of how reform opportunities often emerge unexpectedly, sometimes in response to our initial success at raising attention about an issue, and advocates often feel pressured to act fast and win a victory. This question reminds us to slow down and examine longer-term implications of the reform. Finally, we ask, does this reform work build the capacity the impacted population to mobilize for larger systemic change that addresses the root causes of harm and violence? This question helps us pick reform opportunities that will bring more people into the struggle, develop more leaders, shift paradigms, build coalition with key allies, and generally grow the size and depth of the resistance work. Asking these questions about when and how to engage law reform work with a recognition that legal rights struggles [\*1099] tend to inherit the conditions of belonging and citizenship that American law produces and is produced by require us to also examine the structures that produce trans resistance work. It is essential to evaluate social movement infrastructure to understand how decisionmaking structures and resource distribution often produce support for narrow legal reform demands and squelch or contain more transformative work. Such an analysis can help us to develop infrastructure and practices that center redistribution within the work and that produce a space for political demands to emerge from the bottom up. **As we let go of elite liberal notions that getting the right article placed in the New York Times or winning the right lawsuit will create equality,** we can visualize broader social movement infrastructure that leads to transformation of the root causes of the maldistribution of life chances. Rather than narrow inclusion demands that appeal to people experiencing single vectors of subjection, demands for deeper transformation emerge when we build participatory movements based in racial and economic justice and centralize the leadership of those most vulnerable to multiple vectors of control. In trans political spaces led by low-income people and people of color, demands are emerging that exceed the possibilities of legal reform. Calls for racial and economic justice that centralize prison abolition, full housing and health care for all and access to income are significantly different than the inclusion and recognition-focused demands that typify legal and legislative strategy. These demands **focus on the radical transformations required to change the life chances of those facing intersecting vulnerabilitie**s. They are shaped by a commitment to refuse compromises that divide constituencies with reforms that offer either solely symbolic protection, or at best increased access to people with certain privileges, yet leave others without access or even worse off than before. This politics is particularly emerging from membership-based organizations that have developed shared values about building participatory movements and are innovating and building on structures for that work modeled in various historical and contemporary movements in the US and abroad. These organizations share certain key principle for structuring their work to make it participatory and centered in racial and economic justice and to [\*1100] resist some of the tropes of the nonprofitization trend described above. 20

### AT: Fairness

#### Abstract appeals to fairness and engagement reflect power disparities, not objective judgment

Delgado 14 [“Shadowboxing: An Essay on Power”, Sept 2014, Cornell Law Review, <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=3525&context=clr>] CRLS PO

Underlying these stylized debates about subjective versus objective standards is a well-hidden issue of cultural power, one neatly concealed by elaborate arguments that predictably invoke predictable "principle." n25 These arguments invite us to take sides for or against abstract values that lie on either side of a well-worn analytical divide, having remarkably little to do with what is at stake. The arguments mystify and sidetrack, rendering us helpless in the face of powerful repeat players like corporations, human experimenters, action-loving surgeons, and sexually aggressive men. n26How does this happen? Notice that in many cases it is the stronger party – the tobacco company, surgeon, or male date – that wants to apply an objective standard to a key event. n27 The doctor wants the law to require disclosure only of the risks and benefits the average patient would find material. n28 The male partygoer wants the law to ignore the woman's subjective thoughts in favor of her outward manifestations. n29 The tobacco company wants the warning on the package to be a stopper. Generally, the law complies. What explains the stronger party's preference for an objective approach, and the other's demand for a more personalized one? It is not that one approach is more principled, more just, or even more [\*818] likely to produce a certain result than the other. Rather, in my opinion, the answer lies in issues of power and culture. It is now almost a commonplace that we construct the social world. n30 We do this through stories, narratives, myths, and symbols – by using tools that create images, categories, and pictures. n31 Over time, through repetition, the dominant stories seem to become true and natural, and are accepted as "the way things are." n32 Recently, outsider jurisprudence n33 has been developing means, principally "counterstorytelling," to displace or overturn these comfortable majoritarian myths and narratives. n34 A well-told counterstory can jar or displace the dominant account. n35The debate on objective and subjective standards touches on these issues of world-making and the social construction of reality. Powerful actors, such as tobacco companies and male dates, want objective standards applied to them simply because these standards always, and already, reflect them and their culture. These actors have been in power; their subjectivity long ago was deemed "objective" and imposed on the world. n36 Now their ideas about meaning, action, and fairness are built into our culture, into our view of malefemale, doctor-patient, and manufacturer-consumer relations. n37It is no surprise, then, that judgment under an "objective" (or reasonable person) standard generally will favor the stronger party. This, however, is not always the case: Rules that too predictably and reliably favored the strong would be declared unprincipled. n38 The stronger actor must be able to see his favorite principles as fair and [\*819] just – ones that a reasonable society would rely upon in contested situations. n39 He must be able to depict the current standards as integral to justice, freedom, fairness, and administrability – to everything short of the American Way itself (and maybe even that, since societies that regulate these relationships more closely are paternalistic, and verge on (shhh!) socialism). n40

### Key Education

#### Understanding mass incarceration as racialized is key to avoid criminalizing stereotypes and create strategies that don’t replicate the harms

Ongiri 13 AMY ABUGO, Department of English, Film and Media Studies Department at the University of Florida. “I am Trayvon Martin”: Visual Culture, Trauma, and the Incarceration Crisis

Campaigns like “11 X 15” are visionary in beginning to address the ways in which public policies of mass incarceration have been injurious to communities. However, the prison abolition movement would caution us to give careful consideration to the ways in which our construction of categories such as “criminal,” “crime” and “punishment” evolve from a matrix of historical investments deeply entwined with systems of racial and class inequity. Social justice campaigns such as the “11 X 15” campaign that seek to reduce the numbers of incarcerat[ion] people in the US [sh]ould thus be wise to pay attention to the ways in which racial and income disparities are constitutive not only of those who break the law, of which the category is quite big, but rather those that are deemed “criminal” as a result. Angela Y. Davis writes: Radical criminologists have long pointed out that the category “lawbreakers” is far greater than the category of individuals who are deemed criminals since, many point out, almost all of us have broken the law at one time or another. Even President Bill Clinton admitted that he had smoked marijuana at one time, insisting, though, that he did not inhale….Thus, if we are willing to take seriously the consequences of a racist and class-biased justice system, we will reach the conclusion that enormous numbers of people are in prison simply because they are, for example, black, Chicano, Vietnamese, Native American or poor, regardless of their ethnic background. They are sent to prison, not so much because of the crimes they may have indeed committed, but largely because there communities have been criminalized. Thus, programs for decriminalization will not only have to address specific activities that have been criminalized—such as drug use and sex work—but also criminalized populations and communities. (112-113) Without close attention to the particular racial dynamics **of mass incarceration and the specific criminalization of African Americans, the 50% of** the **state** prison population that **the** “11 X 15” campaign would liberate could potentially be the 50% that is not African American. Black mass incarceration has become a major shaping factor in African American life, guiding everything from public policy to “common sense” expectations of freedom, wealth accumulation, and life expectancy. The murder of Trayvon Martin demonstrates the ways in which public perceptions of crime and perpetual expectations of Black criminal wrongdoing shape the outcomes of even random and seemingly inconsequential encounters in the public sphere to tragic consequences. It suggests that crime is as much an invention in discourse as it is a chartable social phenomenon. The widespread designation of African Americans as pathologically criminal and constantly dangerous in visual culture sits in a symbiotic relationship to the stark realities of Black mass incarceration. If the case of Trayvon Martin teaches us anything it is that the visual transformation of African Americans into perpetual lawbreakers, a transformation that is created through image culture, actually costs lives.

### Trifonas

#### The role of the judge is to reject racist ideology in favor of critical examination

Trifonas 03 PETER PERICLES TRIFONAS. PEDAGOGIES OF DIFFERENCE: RETHINKING EDUCATION FOR SOCIAL CHANGE/ RoutledgeFalmer. New York, London. 2003. Questia.

In an educational context, the exercise of power is accomplished in interactions (i.e., in a social organization), manifesting itself as acts of exclusion, marginalization, silencing, and so forth. Thus, paying attention to how power operates along axes of gender, race, class, and ability (that is, recognizing that social differences are not given, but are accomplished in and through educational settings) is a step toward educational equity. What does the above discussion mean in the educational context? It means that in the interactions of teachers with students in the classroom, or in other contexts, attention needs to be directed toward how dominant and subordinate relations (be they based on race, gender, class, or ability) permeate these contexts and intersect in complicated ways to produce inequality and marginalization. The frequently used and well-meaning phrase, “I treat everyone the same, ” often used by teachers and administrators to indicate their lack of bias in a diverse educational setting, in fact masks unequal power relations. Similarly, educational policies that assume that people are the same or equal may serve to entrench existing inequality precisely because people enter into the educational process with different and unequal experiences. These attempts, well meaning though they may be, tend to render inequality invisible, and thus work against equity in education. In her exploration of white privilege in higher education in the United States, Frances Rains (1998), an aboriginal-Japanese American woman, states emphatically that these benign acts are disempowering for the minority person because they erase his or her racial identity. The denial of racism in this case is in fact a form of racism. Thus, in moving toward equity in education that allows us to address multiple and intersecting axes of difference and inequality, I recommend that we try to think and act “against the grain” in developing educational policies and handling various kinds of pedagogical situations. 5 To work against the grain is to recognize that education is not neutral; it is contested. Mohanty puts it as such: … [E]ducation represents both a struggle for meaning and a struggle over power relations. [It is] a central terrain where power and politics operate out of the lived culture of individuals and groups situated in asymmetrical social and political positions. (Mohanty 1990:184) We need to developa criticalawareness of the power dynamics operative in institutional relations-and of the fact that people participate in institutions as unequal subjects. Working against the grain is to take a proactive approach to understanding and acting upon institutional relations, whether in the classroom, in other interactions with students, or in policy development. Rather than overlooking the embeddedness of gender, race, class, ability, and other forms of inequality that shape our interactions, working against the grain makes explicit the political nature of education and how power operates to privilege, silence, and marginalize individuals who are differently located in the educational process. In her exploration of feminist pedagogy, Linda Briskin (1990) makes a clear distinction between nonsexist and antisexist education critical to our understanding here. She asserts that nonsexism is an approach that attempts to neutralize sexual inequality by pretending that gender can be made irrelevant in the classroom. Thus, for instance, merely asserting that male and female students should have equal time to speak-and indeed giving them equal time-cannot adequately rectify the endemic problem of sexism in the classroom. One of Briskin's students reported that in her political science tutorials that when the male students spoke, everyone paid attention. When a female student spoke, however, the class acted as if no one was speaking (13). Neutrality is an attempt to conceal the unequal distribution of power. An against the grain approach would acknowledge explicitly that we are all gendered, racialized, and differently constructed subjects who do not participate in interactional relations as equals. This goes beyond formulating sexism, racism, abilism, and class privilege in individualist terms and treating them as if they were personal attitudes. Terry Wolverton (1983) discovered the difference between nonracism and antiracism in her consciousness-raising attempt: I had confused the act of trying to appear not to be racist with actively working to eliminate racism. Trying to appear not racist had made me deny my racism, and therefore exclude the possibility of change. (191) Being against the grain means seeing inequality as systemic and interpersonal (rather than individual), and combatting oppression as a collective responsibility, not just as a personal attribute (so that somehow a person can cleanse herself or himself of sexism, racism, abilism, or class bias). It is to pay attention to oppression as an interactional property that can be altered (see Manners 1998). Roger Simon (1993) suggests, in his development of a philosophical basis for teaching against the grain, which shares many commonalities in how I think about an integrative approach to equity in education, that teaching against the grain is fundamentally a moral practice. By this he does not mean that teachers simply fulfill the mandate and guidelines of school authorities. He believes that teachers must expose the partial and imperfect nature of existing knowledge, which is constructed on the basis of asymmetrical power relations (for instance, who has the power to speak and whose voices are suppressed?). It is the responsibility of the teacher or educator to show how dominant forms of knowledge and ways of knowing constrict human capacities. In exposing the power relations integral to the knowledge construction process, the educator, by extension, must treat teaching and learning as a mutual and collaborative act between teachers and students. What may this ideal look like in practice? Marilyn Cochran-Smith (1991) also explores the notion of teaching against the grain in her research on how teachers and students worked together in a preservice program in the Philadelphia area. Borrowing from Gramsci's formulation that action is everyone's responsibility, she asserts that teaching is fundamentally a political activity. In practical terms, she outlines what it may mean to teach against the grain in an actual teaching and learning situation. Her succinct articulation is worth quoting at length: To teach against the grain, teachers have to understand and work both within and around the culture of teaching and the politics of schooling at their particular schools and within their larger school system and communities. They cannot simply announce better ways of doing things, as outsiders are likely to do. They have to teach differently without judging the ways other teach or dismissing the ideas others espouse…. [They] are not at liberty to publicly announce brilliant but excoriating critiques of their colleagues and the bureaucracies in which they labor. Their ultimate commitment is to the school lives and futures of the children with whom they live and work. Without condescension or defensiveness, they have to work with parents and other teachers on different ways of seeing and measuring development, connecting and dividing knowledge, and knowing about teaching and schooling. They have to be astute observers of individual learners with the ability to pose and explore questions that transcend cultural attribution, institutional habit, and the alleged certainty of outside experts. They have to see beyond and through the conventional labels and practices that sustain the status quo by raising unanswerable and often uncomfortable questions. Perhaps most importantly, teachers who work against the grain must name and wrestle with their own doubts, must fend off the fatigue of reform and depend on the strength of their individual and collaborative convictions that their work ultimately makes a difference in the fabric of social responsibility. (Cochran-Smith 1991:284-85) For me, to be against the grain is therefore to recognize that the routinized courses of action and interactions in all educational contexts are imbued with unequal distribution of power that produce and reinforce various forms of marginalization and exclusion. Thus, a commitment to redress these power relations (i.e., equity in education) involves interventions and actions that may appear “counter-intuitive.” 6 Undoing inequality and achieving equity in education is a risky and uncomfortable act because we need to disrupt the ways things are “normally” done. This involves a serious (and frequently threatening) effort to interrogate our privilege as well as our powerlessness. It obliges us to examine our own privilege relative though it may be, to move out of our internalized positions as victims, to take control over our lives, and to take responsibilities for change. It requires us to question what we take for granted, and a commitment to a vision of society built on reflection, reform, mutuality, and respect in theory and in practice. Teaching and learning against the grain is not easy, comfortable, or safe. It is protracted, difficult, uncomfortable, painful, and risky. It involves struggles with our colleagues, our students, as well as struggles within ourselves against our internalized beliefs and normalized behaviors. In other words, it is a lifelong challenge. However, as Simon (1993) puts it, teaching against the grain is also a project of hope. We engage in it with the knowledge and conviction that we are in a long-term collaborative project with like-minded people whose goal is to make the world a better place for us and for our children.

### Coalitions

#### We must build coalitions for social change from the bottom up – every person matters, and every person must be committed to anti-racism

Wise 6 Tim, Wise has provided anti-racism training to teachers nationwide, and has conducted trainings with physicians and medical industry professionals on how to combat racial inequities in health care. He has also trained corporate, government, entertainment, military and law enforcement officials on methods for dismantling racism in their institutions, and has served as a consultant for plaintiff’s attorneys in federal discrimination cases in New York and Washington State. LIP Magazine, 5-23, www.lipmagazine.org

So explaining the underlying, albeit destructive rationality to white conservatism on the part of working people is the first step: otherwise, we risk sounding as intellectual scolds, who insist on explaining to the lower classes their “false consciousness,” which to most sounds like an effete way of saying stupidity. They are not stupid. Rather, they are playing the hand as it was dealt to them. But then, by demonstrating that playing that hand is, in the long run, self-destructive — in other words, that there are absolute interests that are sacrificed by maintaining relative advantage and privilege — we might convince a large enough number to trade in one form of rational behavior for another, more lasting one. Not to mention, stressing the racist roots of our current predicaments will also likely allow a much broader coalition building than we often see at present. If people of color, who are usually far ahead of white folks in their commitment to equality and social justice, see whites willing to take up these issues of racial supremacy and privilege, and connect those to issues of war, peace, ecology and economics, they will be far more willing to work with whites on projects of joint concern. At present, white liberal and left dismissal of the role of race and privilege in antiwar and environmental work, often fractures would-be alliances and prevents movements from gaining in both strength and militancy, with obvious results that are none too good for said movements. In other words, we must utterly reconstruct our existing movements for social change, from the bottom up, so as to make them antiracist in both analysis and action. This means refusing to work with activists and organizations unwilling to bring an understanding of white supremacy and privilege to their work: quitting, not going to the meetings, not attending the marches, not giving such efforts your money or your time, no matter how much you support their goals. This means insisting so long as you are in such contingencies that a comprehensive discussion of the racial roots of these problems be brought to the fore. It means insisting on following leaders of color in local and national groups who are struggling with daily issues of survival, and assisting with their efforts, in any way they deem necessary: prioritizing their issues, and demonstrating ones commitment to racial justice and equity as a first order of business**.** It means standing up as whites and challenging white supremacy and privilege, in ones community and one’s activist groups, even at the risk of being ostracized, criticized and ignored. The key is doing this in a way that makes clear one is acting not so as to save folks of color, but because one sees that racism and white supremacy are at the root of the crises that menace us all. Making this argument clearly will allow us to avoid the anger/guilt response so common to whites when racism is discussed — in other words, the feeling that one is being blamed for hurting others and asked to make amends only for their behalf — and instead focus on self-interest (in the broad, communal sense of the term) as a motivator for action.